

BILL ANALYSIS

Senate Research Center

H.B. 2111
By: Bonnen (Armbrister)
Criminal Justice
5/12/1999
Engrossed

DIGEST

Currently, Texas law defines a penalty range for a Class A misdemeanor under the Penal Code of up to one year in jail and/or \$4,000 fine, and for a Class B misdemeanor up to 180 days in jail and/or a \$2,000 fine. The only code provision under Section 12.44, Penal Code, in the Class A category, was to punish state jail felonies with up to one year in jail and the corresponding fine. H.B. 2111 would allow a court the option of sentencing a defendant to a Class A misdemeanor punishment for a third degree felony and a Class B misdemeanor punishment for a state jail felony.

PURPOSE

As proposed, H.B. 2111 authorizes a court to impose a Class A punishment on a defendant convicted of a third degree felony.

RULEMAKING AUTHORITY

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 12.44, Penal Code, as follows:

Sec. 12.44. New heading: REDUCTION OF FELONY PUNISHMENT TO MISDEMEANOR PUNISHMENT. Authorizes a court to punish a defendant who is convicted of a felony of the third degree or a state jail felony by imposing the confinement permissible as punishment for a Class A misdemeanor if, the court, after certain considerations, finds that such punishment would best serve the ends of justice.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 1999.

SECTION 4. Emergency clause.