

BILL ANALYSIS

Senate Research Center

H.B. 261
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Criminal Justice
5/12/1999
Engrossed

DIGEST

Currently, Texas law requires the Texas Department of Criminal Justice (TDCJ) to penalize an inmate by deducting good conduct time if the inmate files a frivolous or malicious lawsuit. County jails do not have this authority. H.B. 261 authorizes counties to forward information to TDCJ pertaining to a frivolous or malicious lawsuit filed by an inmate upon transfer of that inmate to TDCJ.

PURPOSE

As proposed, H.B. 261 authorizes counties to forward information to the Texas Department of Criminal Justice (TDCJ) pertaining to a frivolous or malicious lawsuit filed by an inmate upon transfer of that inmate to TDCJ.

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 Article 42.09, Code of Criminal Procedure, by adding Section 9, as follows:

Sec. 9. Authorizes a county that transfers a defendant to the Texas Department of Criminal Justice (TDCJ) under this article to deliver to certain officers a certified copy of certain final orders of a state or federal court. Authorizes the county to deliver the copy to TDCJ at the time of the transfer of the inmate or at any time after the transfer of the inmate.

SECTION 2. (a) Amends Section 5, Article 42.032, Code of Criminal Procedure, to authorize any part or all of the commutation accrued under this article to be forfeited and taken away by the sheriff on receipt of a certified copy of certain final orders of a state or federal court.

(b) Makes application of Section 5, Article 42.032, Code of Criminal Procedure, as amended by this section, prospective.

SECTION 3. Amends Section 498.0045(a), Government Code, to redefine "final order."

SECTION 4. Makes application of SECTION 3, as amended by this Act, prospective.

SECTION 5. Emergency clause.
Effective date: upon passage.