

## **BILL ANALYSIS**

Senate Research Center  
76R7524 GWK-D

C.S.S.B. 306  
By: Lucio  
Criminal Justice  
2/25/1999  
Committee Report (Substituted)

### **DIGEST**

Currently, a person convicted of certain crimes can receive an appellate bond. C.S.S.B. 306 rescinds the eligibility of a defendant convicted of certain violent felonies to obtain bail pending an appeal.

### **PURPOSE**

As proposed, C.S.S.B. 306 rescinds the eligibility of a defendant convicted of certain felonies to obtain bail while pending an appeal.

### **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 Articles 44.04(b) and (c), Code of Criminal Procedure, to prohibit a defendant from being released on bail pending appeal from any felony conviction where the punishment equals or exceeds 10 years, rather than exceeds 15 years, confinement or where the defendant has been convicted of an offense listed under Section 3g(a)(1), Article 42.12, rather than an offense listed under Sections 481.07(b)-(e) of the Health and Safety Code. Deletes reference to a punishment that does not exceed 15 years confinement. Makes conforming changes.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 1999.

SECTION 4. Emergency clause.

### **SUMMARY OF COMMITTEE CHANGES**

SECTION 1.

Amends Article 44.04(b), Code of Criminal Procedure, to prohibit bail pending appeal of a defendant convicted of a crime where the punishment equals or exceeds 10 years confinement, rather than exceeds 15 years, or where the defendant was convicted of an offense under Section 3g(a)(1), Article 42.12, rather than an offense under Title 5, Penal Code, or Section 29.02, 29.03, Penal Code.