

BILL ANALYSIS

Senate Research Center

C.S.S.B. 1701

By: Staples

Criminal Justice

5/3/2001

Committee Report (Substituted)

DIGEST AND PURPOSE

Currently, there is some confusion regarding the application of certain repeat offender provisions of the Penal Code. C.S.S.B. 1701 ensures that offenders who commit an offense under older versions of the Penal Code or the penal codes of another state are eligible as repeat offenders.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 12.42(c)(2), Penal Code, to require a defendant to be punished by imprisonment in the institutional division for life if the defendant has been previously convicted of certain offenses, including an offense containing elements that are substantially similar to the elements of an offense listed in Subparagraph (i), (ii), (iii), or (iv), whether the offense is an offense under the laws of another state or an offense under a law of this state for which the Penal Code section number or offense named has changed.

SECTION 2. Sets forth legislative intent.

SECTION 3. Effective date: upon passage or September 1, 2001.

SUMMARY OF COMMITTEE CHANGES

SECTION 1. Differs from the original by amending previously proposed changes to provisions regarding certain Penal Code offenses.

SECTIONS 2 - 3. No changes.