

BILL ANALYSIS

Senate Research Center
77R1244 JMC-D

C.S.S.B. 25
By: Shapiro
Criminal Justice
2/1/2001
Committee Report (Substituted)

DIGEST AND PURPOSE

Under current Texas law, a juvenile is eligible for a determinate sentence if it is proven that the juvenile committed certain violent or habitual offenses, but manslaughter and intoxication manslaughter are not included. As proposed, C.S.S.B. 25 classifies manslaughter and intoxication manslaughter as habitual felony conduct and authorizes a prosecuting attorney to request a grand jury to certify that a juvenile, having committed manslaughter or intoxication manslaughter, be eligible to receive a determinate sentence when adjudicated.

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 53.045(a), Family Code, to authorize the prosecuting attorney, except as provided by Subsection (e), to refer the petition to the grand jury of the county in which the court in which the petition is filed presides if the petition alleges that the child engaged in delinquent conduct that constitutes habitual felony conduct as described by Section 51.031 or that included the violation of certain provisions, including Sections 19.04 (Manslaughter) or 49.08 (Intoxication Manslaughter), Penal Code. Redesignates Subdivisions 3-14 to Subdivisions 4-15.

SECTION 2. Effective date: September 1, 2001.
Makes application of this Act prospective.

SUMMARY OF COMMITTEE CHANGES

SECTION 1. Differs from the original by adding Section 49.08 (Intoxication Manslaughter), Penal Code, to the list of violations included as conduct that constitutes habitual felony conduct.

SECTION 2. No change.