

BILL ANALYSIS

Senate Research Center

S.B. 1812
By: Whitmire
Criminal Justice
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As Filed

DIGEST AND PURPOSE

Currently, a defendant has the opportunity to have a separate jury trial on each offense charged deriving from the violation of the Transportation Code. As proposed, S.B. 1812 creates an exception to the right to severance for offenses that arise out of the Transportation Code in which the maximum punishment is a fine unless the defendant would be unfairly prejudiced by the joinder.

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 3.04(c), Penal Code, to provide that the right to severance under this section does not apply to a prosecution for offenses described by Section 3.03(b)(2) or offenses under the Transportation Code where the maximum punishment is by fine only unless the court determines that the defendant or the state would be unfairly prejudiced by a joinder of offenses, in which event the judge may order the offenses to be tried separately or may order other relief as justice requires.

SECTION 2. Effective date: September 1, 2003.