

BILL ANALYSIS

Senate Research Center
79R13059 UM-F

H.B. 2296
By: Cook, Robby (Armbrister)
Criminal Justice
5/19/2005
Engrossed

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

Currently, it is possible for a prosecuting attorney to request, with the courts consent and permission, the reduction of a state jail felony offense to a Class A misdemeanor. When used for appropriate situations, this mechanism has been a successful preventative measure and has provided much needed relief for overcrowded prison systems. However, there have been cases where a judge has ruled that even though the offense is punished as a misdemeanor, it remains a felony offense.

H.B. 2296 amends Section 12.44(b), Penal Code, to clarify that at the request of the prosecuting attorney, the court may authorize the prosecuting attorney to prosecute a state jail felony as a Class A misdemeanor.

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 12.44(b), Penal Code, to authorize the court to authorize the prosecuting attorney to prosecute a state jail felony as a Class A misdemeanor, at the request of the prosecuting attorney, rather than authorizing the court to impose punishment for a lesser category of offense as provided in Subsection (a).

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2005.