

BILL ANALYSIS

Senate Research Center

S.B. 237
By: Bettencourt; Johnson
Criminal Justice
5/31/2021
Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The court system is overburdened with hearings and other proceedings regarding certain minor criminal offenses that would be better resolved outside of the court system.

S.B. 237 will provide a peace officer the discretion of issuing a citation to a person charged with committing a Class B misdemeanor offense of criminal trespass instead of taking the person before a magistrate. It will allow the peace officer discretion as to how to handle criminal trespassing calls more effectively and more efficiently. It will allow a responding peace officer to make a decision as to when an arrest is appropriate. In domestic dispute situations, for example, peace officers maintain the authority to arrest the offender.

The point of the bill is to help speed up the process of dealing with these relatively minor offenses to free up the officer's time so they can deal with more serious public safety concerns. S.B. 237 gives officers another "tool in their tool belts" to deal with low-level crime.

S.B. 237 amends current law relating to the issuance of a citation for a criminal trespass offense punishable as a Class B 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 Article 14.06(d), Code of Criminal Procedure, to provide that Subsection (c) (relating to authorizing a peace officer charging a person with a Class A or B misdemeanor to issue a citation instead of taking the person before a magistrate) applies only to a person charged with committing certain offenses, including an offense under Section 30.05 (Criminal Trespass), Penal Code, if the offense is punishable under Subsection (d)(1) (relating to providing that such an offense is a Class B misdemeanor, except under certain conditions) of that section.

SECTION 2. Makes application of Article 14.06(d), Code of Criminal Procedure, as amended by this Act, prospective.

SECTION 3. Effective date: September 1, 2021.