

BILL ANALYSIS

S.B. 237
By: Bettencourt
Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

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. There have been calls to provide peace officers with the discretion to issue a citation to a person charged with committing a Class B misdemeanor offense of criminal trespass instead of taking the person before a magistrate. Providing this direction will allow a responding peace officer to handle criminal trespassing calls more effectively and more efficiently while still having the option to make an arrest if deemed appropriate. In domestic dispute situations, for example, peace officers would maintain the authority to arrest the offender. S.B. 237 seeks to help speed up the process of dealing with these relatively minor offenses by authorizing the issuance of a citation for a criminal trespass offense punishable as a Class B misdemeanor.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

S.B. 237 amends the Code of Criminal Procedure to include a person charged with committing a Class B misdemeanor criminal trespass offense among the persons to whom a peace officer may issue a citation containing notice to appear instead of taking the person before a magistrate.

EFFECTIVE DATE

September 1, 2021.