

BILL ANALYSIS

Senate Research Center

H.B. 1333
By: Hochberg (Ellis)
Criminal Justice
5-16-97
Engrossed

DIGEST

The current hate crimes statute allows penalties to be increased if the court finds that a crime was committed because of bias or prejudice. Normally, the punishment increases to the punishment prescribed for the next highest category of offense. This creates problems in cases of Class A misdemeanors since these cases are heard by the county court, which does not have jurisdiction over felonies.

H.B. 1333 would amend the Penal Code to provide that the penalty for a Class A misdemeanor offense that was committed because of bias or prejudice is a minimum term of confinement of 180 days. This change would provide that the enhancement of a Class A misdemeanor does not require a jurisdiction change.

PURPOSE

As proposed, H.B. 1333 amends the Penal Code to provide that the penalty for a Class A misdemeanor offense that was committed because of bias or prejudice is a minimum term of confinement of 180 days, thereby providing that the enhancement of a Class A misdemeanor does not require a jurisdiction change.

RULEMAKING AUTHORITY

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 12.47, Penal Code, to provide that if the judge or jury, whichever assesses punishment in the case, rather than if the court, makes an affirmative finding under Article 42.014, Code of Criminal Procedure, in the punishment phase of the trial for an offense other than a first degree felony or a Class A misdemeanor, the punishment for the offense is increased to the punishment prescribed for the next highest category of offense. Provides that if the offense is a Class A misdemeanor, the minimum term of confinement for the offense is increased to 180 days.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 1997.

SECTION 4. Emergency clause.