

BILL ANALYSIS

Senate Research Center

C.S.H.B. 1801
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Criminal Justice
5/21/2007
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Current law allows 15 days for a prosecutor to appeal an order, ruling, or sentence in a criminal case. However, in some cases, prosecutors find this amount of time insufficient when having to make a decision.

C.S.H.B. 1801 increases from 15 days to 30 days the time in which prosecutors may appeal an order, ruling, or sentence in a criminal case.

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 Chapter 17, Code of Criminal Procedure, by adding Article 17.085, as follows:

Art. 17.985. NOTICE OF APPEARANCE DATE. Requires the clerk of a court that does not provide online Internet access to that court's criminal case records to post in a designated public place in the courthouse notice of a criminal court docket setting not less than 48 hours before the docket setting.

SECTION 2. Amends Article 44.01(d), Code of Criminal Procedure, to prohibit the prosecuting attorney from making an appeal under Subsection (a) (entitling the state to appeal an order of a court in a criminal case if the order meets certain criteria) or (b) (entitling the state to appeal a sentence in a case on the ground that the sentence is illegal) of this article (Appeal By State) later than the 30th, rather than the 15th, day after the date on which the order, ruling, or sentence to be appealed is entered by the court.

SECTION 3. Makes application of Article 17.085, Code of Criminal Procedure, as added by this Act, prospective.

SECTION 4. Makes application of Article 44.01, Code of Criminal Procedure, as amended by this Act, prospective.

SECTION 5. Effective date: September 1, 2007.