

BILL ANALYSIS

Senate Research Center
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H.B. 1442
By: Wu et al. (Burton)
Criminal Justice
5/16/2017
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Interested parties contend that some defendants who have completed a jail sentence for a misdemeanor conviction must unjustly remain in jail on the filing of a motion for a new trial or an appeal. H.B. 1442 seeks to remedy this situation by providing for the release of such a defendant on personal bond pending the determination of such a motion.

H.B. 1442 amends the Code of Criminal Procedure to entitle a defendant, pending the determination of the defendant's motion for a new trial or the appeal from a misdemeanor conviction, to be released after completion of a sentence of confinement imposed for the conviction. The bill authorizes the trial court to require the defendant to give a personal bond but prohibits the trial court, either instead of or in addition to the personal bond, from requiring any condition of the personal bond, another type of bail bond, or a surety or other security.

H.B. 1442 amends current law relating to the release of certain defendants pending a motion for new trial or an appeal from a misdemeanor conviction.

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 44.04, Code of Criminal Procedure, by adding Subsection (i), as follows:

- (i) Provides that, notwithstanding any other law, pending the determination of a defendant's motion for new trial or the defendant's appeal from a misdemeanor conviction, the defendant is entitled to be released after completion of a sentence of confinement imposed for the conviction. Authorizes the trial court to require the defendant to give a personal bond but prohibits the trial court, either instead of or in addition to the personal bond, from requiring any condition of the personal bond, another type of bail bond, or a surety or other security.

SECTION 2. Effective date: September 1, 2017.