

BILL ANALYSIS

Senate Research Center
85R215 ADM-D

H.B. 268
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Criminal Justice
5/5/2017
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Current law provides that when a judge or other court official is threatened as a result of his or her public duty, the district attorney may pursue a cause of retaliation or obstruction. Current law also provides that the proper venue to try a retaliation case is the county in which the threat was received. Accordingly, if the threat was received in San Patricio County, but made from Potter County, the trial would occur in San Patricio County. Placing the venue in the victim's home county (San Patricio) requires that the alleged perpetrator of the threats visit the victim's county, which can cause additional worry and distress to the victim and family, especially when threats have been made to the victim's safety and home.

H.B. 268 provides that proper venue for prosecution of a retaliation case may be in the county: (1) in which the harm was done; or (2) the place from which the threat was originated or received. By allowing for the venue to be in either county, the district attorneys and victim can evaluate the circumstance on a case-by-case basis and pursue the charges in the proper venue to best protect the victim.

H.B. 268 amends current law relating to venue in the prosecution of certain criminal conduct involving obstruction or retaliation.

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 13, Code of Criminal Procedure, by adding Article 13.37, as follows:

Art. 13.37. OBSTRUCTION OR RETALIATION. Authorizes an offense under Section 36.06(a)(1) (relating to providing that a person commits an offense if the person intentionally or knowingly harms or threatens to harm another by an unlawful act in retaliation for or on account of a certain service or status of another), Penal Code, to be prosecuted in any county in which the harm occurs or the threat to do harm originated or was received.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2017.