

LEGISLATIVE UPDATE

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State Bar of Texas
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CHAPTER 3

Rob Kepple is Executive Director of the Texas District and County Attorneys Association, a non-profit corporation that offers training and assistance to Texas prosecutors. Before going to TDCAA as General Counsel in 1990, Rob served as a chief felony prosecutor with the Harris County District Attorney's office in Houston, Texas. He is a frequent speaker on prosecutor ethics and Texas criminal law.

Rob is a graduate of The Ohio State University and the National Law Center in Washington, D.C., and is certified by the State Bar of Texas as a specialist in criminal law.

Allen Place has been a practicing attorney in Gatesville for the last 26 years. During the 1990's, Allen served in the Texas Legislature where he served as Chairman of the Criminal Jurisprudence Committee. During that service, he was the house author of the current penal code and was named one of Texas Monthly's Ten Best Legislators for his efforts. After retiring from the Legislature, Allen has continued his law practice which primarily has a focus on parole law. During odd numbered years, Allen represents several clients before the Texas Legislature which have included Management and Training Corporation, Texas Criminal Defense Lawyers Association, Texas Land Title Association and Texas Municipal League. Allen is married to the city judge of Gatesville, Tonya Place, and they have 5 children (twin daughters who are juniors at A&M, 1 son at McLennan Community College, and 2 more girls at home).



TEXAS DISTRICT & COUNTY ATTORNEYS ASSOCIATION

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79 R.S. - BILLS FINALLY PASSED Monday, June 20, 2005

Issue	Bill	Description
Arrest	SB 91	Permits warrantless arrests upon probable cause re: any offense involving family violence
Arrest	HB 915 SB 907	Permits municipal officers to make warrantless arrests for traffic offenses committed in any county in which the municipality is located
Bail	SB 56	Requires notice and a hearing (if requested) prior to bail reduction in 3g and sex offender cases
Bail	SJR 17	Allows court to deny bail to a defendant who has violated a previous condition of bail
Death Penalty	SB 60	Exchanges life without parole sentence for current life with parole sentence
Death Penalty	SB 1507	Requires notice of extraneous offenses in capital cases as in non-capital cases
Death Penalty	SB 1791	Adds murder "in retaliation for or on account of the service or status of the other person as a judge"
Discovery	HB 975	Grants the state a limited right to depose certain witnesses
Discovery	HB 969	Changes "may" to "shall" in first sentence of subsection (a)
Drugs	HB 1239	Confiscates certain proceeds from "multicounty drug task forces" that are not approved by DPS
Drugs	HB 164	Restricts the sale of pseudoephedrine products and makes other meth-related changes
Drugs	HB 1634	Creates new felony offense for recklessly starting a fire from manufacturing drugs; creates another felony offense for recklessly causing damage from an intentional fire (this is a mess now)
DWI	HB 51	Requires ignition interlocks for 1 st offenders with a BAC over 0.15

Issue	Bill	Description
DWI	HB 51	Adds DWI w/ child offenses to the list of probations that are considered final convictions
DWI	HB 51	Repeals the restriction on the use as enhancements of DWI convictions more than 10 years old
DWI	HB 157	Requires 3 days of jail time as a condition of Class A DWI probation to be served “continuously”
Family Violence	SB 91	Redefines and expands “family or household” relationship in PC Sec. 22.01 to match Family Code
Family Violence	SB 91	Creates enhancements in FV assault cases for prior out-of-state FV convictions or convictions under Ch. 19, Ch. 22, or Sections 20.03, 20.04, or 21.11
Family Violence	SB 91	Enhances FV-related Agg. Asslts. that involve DWs and SBI to a 1 st -degree felony
Forfeiture	HB 839	Permits forfeiture/destruction of obscene material and child pornography
Forfeiture	HB 840	Adds child pornography and criminal solicitation of a minors to CCP Ch. 59
Forfeiture	HB 2275	Adds DWI offenses under PC Ch. 49 to CCP Ch. 59 and repeals it from Trans. Code
Forfeiture	HB 1048	Adds unlawful transport to list of offenses
Guns	HB 823	Creates a defense presumption of traveling for certain suspects in motor vehicles
Guns	HB 2110	Adds federal judges, and elected prosecutors w/ a CCL, to the defense in PC 46.15
Guns	HB 2110 SB 578	Reduces the time of service retired officers need to be eligible for the defense; removes out-of-state officers from the defense; and amends the Occ. Code to make eligible all classes of peace officers
ID Theft	HB 1323	Criminalizes simple possession of a credit/debit card without consent and with intent to use it
ID Theft	HB 2885	Requires Dallas Co. JPs to get DA approval before issuing a warrant on IBC cases
Incompetency	SB 679	Amends 34 separate articles of Chapter 46B and applies Ch. 46B retroactively to all pending cases
Insanity	SB 837	Repeals old CCP Art. 46.03 and creates new insanity procedures in new Ch. 46C

Issue	Bill	Description
Insanity	HB 291	Provides victim notification by TDCJ Victim Services upon release/discharge of insanity acquittee
Juvenile	HB 1575	Omnibus bill; makes numerous changes to Juvenile Justice Act
Jury	HB 3265	Limits retrials following hung punishment juries to punishment only
Jury	SB 1704	Increase juror pay to up to \$40 and creates a new fee to fund it
Open Govt	SB 286	Requires open meetings and open records training for certain publicly-elected officials
Parole	HB 681	Allows for the forfeiture of an inmate's good time credits due to the filing of frivolous writs
Probation	HB 1759	Allows jury-recommended probation for state jail felons not eligible for mandatory probation
Probation	HB 1759	Removes the 90-day maximum on jail time served as a condition of state jail felony probation
Probation	HB 550	Makes certain PSI reports permissive instead of mandatory
Sentencing	HB 904	Allows stacking of intoxication assault, improper photography, and child porn; restrict severances
Sentencing	HB 2296	Requires prosecutor consent before a judge may authorize a SJF to be prosecuted as a Class A
Sex Offenders	HB 867	Revises much of Ch. 62 on sex offender registrations
Sex Offenders	HB 2228	Creates the new felony offense of Online Solicitation of a Minor
Sex Offenders	SB 912	Expands civil commitment to include certain murderers
Other	SB 6	Reforms CPS investigations; makes false report a felony; requires CA/DA to represent TDFPS
Other	HB 1068	Creates new Forensic Science Commission; makes other changes to crime labs and DNA database
Other	HB 2294	Creates permissive venues for the misapplication of fiduciary property or construction trust funds
Other	HB 969	Repeals CCP Art. 32A.02, Speedy Trial (previously held unconstitutional)
Other	HB 3376	Revises and expands the PC offenses of money laundering and insurance fraud

Issue	Bill	Description
Other	SB 611	Provides for the filing of a charging instrument and other documents in electronic form
Other	HB 2104	Expands Hindering Apprehension to apply to juveniles and probationers/parolees
Other	HB 1077	Moves several counties to new courts of appeals districts