

## **BILL ANALYSIS**

H.B. 1266  
By: Geren  
Criminal Jurisprudence  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Interested parties contend that it is problematic when a trial court sets certain pre-trial motions without providing notice to either the state or the defense as this leaves little time for witnesses to be contacted and for attorneys to prepare before being called into a hearing. H.B. 1266 seeks to provide for notice to the parties in the case to ensure that all parties are able to properly prepare.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

H.B. 1266 amends the Code of Criminal Procedure to require a trial court to grant a continuance of a criminal action on oral or written motion of the state or the defendant if the trial court sets a hearing or trial without providing to the attorney for the state and the defendant, or the defendant's attorney, notice of the hearing or trial at least three business days before the date of the hearing or trial. The bill excludes the period between the date the trial begins and the date the judgment is entered from this requirement and applies to a criminal action pending before a trial court on or after the bill's effective date, regardless of whether the offense that is the subject of the action was committed before, on, or after the bill's effective date.

### **EFFECTIVE DATE**

September 1, 2017.