

BILL ANALYSIS

Senate Research Center

H.B. 1545
By: Finnell (Haywood)
Criminal Justice
4-27-97
Engrossed

DIGEST

Currently, if a minor is required to enter a plea before a justice of the peace, he or she must return to the county in which the alleged offense occurred. The distance between the home county and the county in which the alleged offense occurred often makes it hard for parents, guardians, or managing conservators to be present at the time of the plea. H.B. 1545 would allow a minor defendant, with leave of the court, to enter a plea before a justice in the county in which the defendant resides, making it more likely that the minor would be accompanied by the parent, guardian, or managing conservator.

PURPOSE

As proposed, H.B. 1545 establishes provisions regarding pleas entered by a minor and the issuance of a summons to compel the appearance of the minor's parent in court.

RULEMAKING AUTHORITY

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 45, Code of Criminal Procedure, by adding Article 45.331, as follows:

Art. 45.331. PLEA BY MINOR AND APPEARANCE OF PARENT. Provides that if a defendant is younger than 17 years of age and has not had the disabilities of minority removed, the court must take the defendant's plea in open court and issue a summons to compel the defendant's parent, guardian, or managing conservator to be present during the taking of the defendant's plea and all other proceedings relating to the case. Authorizes the court to take the defendant's plea and proceed against the defendant without the defendant's parent, guardian, or managing conservator present if the court is unable to secure their appearance. Authorizes the defendant, if the defendant resides in a county other than the county in which the alleged offense occurred and with leave of court, to enter the plea before a justice in the county in which the defendant resides.

SECTION 2. Effective date: September 1, 1997.

SECTION 3. Emergency clause.