

BILL ANALYSIS

Senate Research Center
83R22825 ADM-D

H.B. 2679
By: Guillen (Rodriguez)
Criminal Justice
5/13/2013
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Interested parties note that accepting a plea from an arrested person who is detained in jail for an unadjudicated fine-only offense is widely practiced in jurisdictions across Texas, as this method is convenient for both the court and the defendant. However, the parties point out that the practice is neither expressly sanctioned nor prohibited and concerns have been raised that the location of a plea may create a coercive atmosphere that impairs the voluntary aspect of the plea.

H.B. 2679 seeks to endorse the efficient and convenient administration of the Texas criminal justice system by specifically authorizing such practices.

H.B. 2679 amends current law relating to permitting an alternative plea for a defendant detained in jail pending trial for a Class C misdemeanor.

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 45.023, Code of Criminal Procedure, as follows:

Art. 45.023. DEFENDANT'S PLEA. (a) Creates this subsection from existing text. Authorizes the defendant, after the jury is impaneled, or after the defendant has waived trial by jury, to commit certain actions.

(b) Authorizes the justice or judge to permit the defendant to enter any of the pleas described by Subsection (a), if a defendant is detained in jail before trial.

(c) Authorizes the justice or judge, if a defendant who is detained in jail enters a plea of guilty or nolo contendere, to, after complying with Article 15.17 (Duties of Arresting Officer and Magistrate) and advising the defendant of the defendant's right to trial by jury, as appropriate:

- (1) accept the defendant's plea;
- (2) assess a fine, determine costs, and accept payment of the fine and costs;
- (3) give the defendant credit for time served;
- (4) determine whether the defendant is indigent; or
- (5) discharge the defendant.

(d) Requires that a motion for new trial, notwithstanding Article 45.037 (Motion for New Trial), following a plea of guilty or nolo contendere entered under Subsection (b), be made not later than 10 days after the rendition of judgment and

sentence, and not afterward. Requires the justice or judge to grant a motion for new trial made under this subsection.

SECTION 2. Effective date: September 1, 2013.