

BILL ANALYSIS

Senate Research Center
86R4860 JRR-D

H.B. 929
By: Anchia; Blanco (Watson)
Veteran Affairs & Border Security
5/2/2019
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The Sixth Amendment of the United States Constitution provides the right of a criminal defendant to have a lawyer assist in his defense, even if he cannot afford to pay for one. In the 1963 case *Gideon v. Wainwright*, the Supreme Court of the United States strengthened the right to counsel by expanding its coverage to state prosecutions for felony offenses. More than 20 years later, the Supreme Court further reinforced the value of the Sixth Amendment in *Strickland v. Washington*, where the Supreme Court explained that the right to counsel is in fact a right to effective assistance of counsel.

In criminal cases involving defendants in the military, a defendant who pleads guilty or no contest/nolo contendere in an effort to secure a reduced penalty for the charges may affect the person's eligibility for enlistment or reenlistment in the United States armed forces or may result in the person's discharge from the United States armed forces. Uniform instructions will assist magistrates throughout the state in their duties, and further the administration of justice within the court.

H.B. 929 would ensure that defendants receive the same military admonishment before a magistrate as is required for a felony or guilty plea taken upon arraignment, per TCCP Article 26.13(a)(4), and provide Texas magistrates a clear, uniform statement of their duty to inform the accused service member of the possible outcomes of a conviction, should they plead guilty or no contest.

H.B. 929 amends current law relating to the duties of a magistrate to inform an arrested person of consequences of a plea of guilty or nolo contendere.

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 15.17(a), Code of Criminal Procedure, as follows:

- (a) Requires the magistrate to inform the person arrested that a plea of guilty or nolo contendere for the offense charged may affect the person's eligibility for enlistment or reenlistment in the United States armed forces or may result in the person's discharge from the United States armed forces if the person is a member of the armed forces. Makes nonsubstantive changes throughout this section.

SECTION 2. Effective date: September 1, 2019.