

By: Wu

H.B. No. 489

A BILL TO BE ENTITLED

AN ACT

1
2 relating to providing certain information to criminal defendants
3 before a plea is entered or before the defendant elects to have
4 punishment assessed by a jury.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Article 26.13, Code of Criminal Procedure, is
7 amended by adding Subsection (j) to read as follows:

8 (j) Before accepting a plea of guilty or a plea of nolo
9 contendere for an offense punishable as a felony, the court shall
10 admonish the defendant regarding:

11 (1) the applicable provisions governing whether the
12 judge or a jury will assess punishment in the case;

13 (2) the range of punishments the judge or jury is
14 authorized to consider; and

15 (3) the effect of judge or jury sentencing on the
16 eligibility of the defendant for:

17 (A) judge-ordered community supervision under
18 Article 42A.053;

19 (B) jury-recommended community supervision under
20 Article 42A.055; and

21 (C) deferred adjudication community supervision
22 under Subchapter C, Chapter 42A.

23 SECTION 2. Chapter 28, Code of Criminal Procedure, is
24 amended by adding Article 28.15 to read as follows:

1 Art. 28.15. JURY SENTENCING. Before a defendant who is
2 charged with an offense punishable as a felony files a sworn motion
3 for community supervision as provided by Article 42A.055(b) or
4 elects in writing to have punishment assessed by a jury, the court
5 shall admonish the defendant regarding:

6 (1) the range of punishments the judge or jury is
7 authorized to consider; and

8 (2) the effect of judge or jury sentencing on the
9 eligibility of the defendant for:

10 (A) judge-ordered community supervision under
11 Article 42A.053;

12 (B) jury-recommended community supervision under
13 Article 42A.055; and

14 (C) deferred adjudication community supervision
15 under Subchapter C, Chapter 42A.

16 SECTION 3. The changes in law made by this Act apply to a
17 plea of guilty or nolo contendere entered or a motion or election
18 for a jury to assess punishment made on or after the effective date
19 of this Act, regardless of whether the offense with reference to
20 which the plea is entered or motion or election is made is committed
21 before, on, or after that date.

22 SECTION 4. This Act takes effect September 1, 2021.