

By: McClendon

H.B. No. 93

A BILL TO BE ENTITLED

AN ACT

relating to the waiver by a defendant of a trial by jury.

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

SECTION 1. Article 1.13(a), Code of Criminal Procedure, is amended to read as follows:

(a) The defendant in a criminal prosecution for any offense other than a capital felony case in which the State notifies the court and the defendant that it will seek the death penalty shall have the right, upon entering a plea, to waive the right of trial by jury, conditioned, however, that such waiver must be made in person by the defendant in writing in open court with the consent and approval of the court, and if the offense is a felony, with the consent and approval of the attorney representing the State. The consent and approval by the court shall be entered of record on the minutes of the court, and the consent and approval of the attorney representing the State, if required by this subsection, shall be in writing, signed by him, and filed in the papers of the cause before the defendant enters his plea.

SECTION 2. (a) The change in law made by this Act applies only to the trial of an offense in which the defendant enters a plea on or after the effective date of this Act, whether the trial is for an offense committed before, on, or after the effective date of this Act.

(b) The trial of an offense in which the defendant entered a

1 plea before the effective date of this Act is covered by the law in
2 effect when the plea was entered, and the former law is continued in
3 effect for that purpose.

4 SECTION 3. This Act takes effect September 1, 2003.