

## **BILL ANALYSIS**

Senate Research Center  
79R3418 UM-D

H.B. 615  
By: Puente (West)  
Criminal Justice  
5/19/2005  
Engrossed

### **AUTHOR'S/SPONSOR'S STATEMENT OF INTENT**

H.B. 615 provides for a defendant's right to appear by counsel in Class C misdemeanor cases without the state's consent and the defendant's counsel stipulates to the identity of the defendant.

### **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 33.04, Code of Criminal Procedure, to authorize the defendant, in misdemeanor cases other than cases described by Article 33.03 (requiring the defendant's presence in court for felony charges or for misdemeanor charges when the punishment or any part thereof is imprisonment), to appear by counsel and authorizes the trial to proceed without the defendant's personal appearance if the defendant's counsel stipulates to the identity of the defendant. Deletes requirement of consent by the state's attorney.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2005.