

BILL ANALYSIS

H.B. 615
By: Puentes
Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

The Code of Criminal Procedure, Chapter 33, Mode of Trial, Article 33.04 states that in certain misdemeanor cases (no jail time) the defendant may appear by counsel with the state's consent.

On September 1, 1999, Chapter 45 "Justice And Municipal Courts," was added to the Texas Code of Criminal Procedure to establish procedures for processing cases that come within the criminal jurisdiction of the justice courts and municipal courts.

Article 45.020 "Appearance by counsel" states "the defendant has a right to appear by counsel as in all other cases." This section does not require the State to consent to the defendant's absence.

The purpose of this bill is to provide for a defendant's right to appear by counsel in class C misdemeanor cases without the state's consent and to allow counsel to stipulate to the identity of the defendant.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

House Bill 615 amends article 33.04, Code of Criminal Procedure, to allow defendants to appear by counsel in certain misdemeanor cases without the consent of the state's attorney.

Trial may proceed without the defendant's presence, on the condition that counsel stipulates to the identity of the defendant.

EFFECTIVE DATE

September 1, 2005.