

BILL ANALYSIS

S.B. 395
By: Seliger
Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Currently, a defendant is allowed to submit a plea or a waiver of his or her rights through broadcast by closed circuit teleconferencing. As proposed, S.B. 395 amends the Code of Criminal Procedure to authorize a defendant who is confined in a county other than the county in which charges against the defendant are pending to use the teleconferencing method to enter a plea or waive a right in the court with jurisdiction over the case. A defendant who enters a plea or waiver consents to venue in the county in which the court receiving the plea or waiver is located and waives any claim of error related to venue. S.B. 395 authorizes the attorney representing the state to request at the time the plea is entered that the defendant submit a fingerprint of the defendant suitable for attachment to the judgment, if a defendant enters a plea of guilty or no contest.

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

SECTION 1. Amends Article 27.18, Code of Criminal Procedure, by adding Subsections (d), (e), (e-1), and (f), as follows:

(d) Authorizes a defendant who is confined in a county other than the county in which charges against the defendant are pending to use the teleconferencing method provided by this article to enter a plea or waive a right in the court with jurisdiction over the case.

(e) Provides that a defendant who enters a plea or waiver under Subsection (d) consents to venue in the county in which the court receiving the plea or waiver is located and waives any claim of error related to venue.

(e-1) Clarifies that a court can grant a change of venue during the trial.

(f) Authorizes the attorney representing the state, if a defendant enters a plea of guilty or nolo contendere under Subsection (d), to request at the time the plea is entered that the defendant submit a fingerprint of the defendant suitable for attachment to the judgment. Requires the county in which the defendant is confined, on request for a fingerprint under this subsection, to obtain a fingerprint of the defendant and use first-class mail or other means acceptable to the attorney representing the state and the county to forward the fingerprint to the court accepting the plea.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2005.

EFFECTIVE DATE

September 1, 2005.