

By: Puente

H.B. No. 615

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to a defendant's right to appear by counsel in certain  
3 misdemeanor cases.

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

5 SECTION 1. Article 33.04, Code of Criminal Procedure, is  
6 amended to read as follows:

7 Art. 33.04. MAY APPEAR BY COUNSEL. In [~~other~~] misdemeanor  
8 cases other than cases described by Article 33.03, the defendant  
9 may[~~, by consent of the State's attorney,~~] appear by counsel [~~7~~]  
10 and, if the defendant's counsel stipulates to the identity of the  
11 defendant, the trial may proceed without the defendant's [~~his~~]  
12 personal presence.

13 SECTION 2. The change in law made by this Act applies only  
14 to a proceeding that is commenced on or after the effective date of  
15 this Act. A proceeding that is commenced before the effective date  
16 of this Act is governed by the law in effect on the date the  
17 proceeding is commenced, and the former law is continued in effect  
18 for that purpose.

19 SECTION 3. This Act takes effect September 1, 2005.