

1-1 By: Puente (Senate Sponsor - West) H.B. No. 615  
1-2 (In the Senate - Received from the House May 16, 2005;  
1-3 May 17, 2005, read first time and referred to Committee on Criminal  
1-4 Justice; May 20, 2005, reported favorably by the following vote:  
1-5 Yeas 4, Nays 0; May 20, 2005, sent to printer.)

1-6 A BILL TO BE ENTITLED  
1-7 AN ACT

1-8 relating to a defendant's right to appear by counsel in certain  
1-9 misdemeanor cases.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Article 33.04, Code of Criminal Procedure, is  
1-12 amended to read as follows:

1-13 Art. 33.04. MAY APPEAR BY COUNSEL. In [~~other~~] misdemeanor  
1-14 cases other than cases described by Article 33.03, the defendant  
1-15 may [~~, by consent of the State's attorney,~~] appear by counsel [~~7~~]  
1-16 and, if the defendant's counsel stipulates to the identity of the  
1-17 defendant, the trial may proceed without the defendant's [~~his~~]  
1-18 personal presence.

1-19 SECTION 2. The change in law made by this Act applies only  
1-20 to a proceeding that is commenced on or after the effective date of  
1-21 this Act. A proceeding that is commenced before the effective date  
1-22 of this Act is governed by the law in effect on the date the  
1-23 proceeding is commenced, and the former law is continued in effect  
1-24 for that purpose.

1-25 SECTION 3. This Act takes effect September 1, 2005.

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