

By: Seliger

S.B. No. 395

A BILL TO BE ENTITLED

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AN ACT

relating to the submission of certain pleas and waivers by closed circuit video teleconferencing.

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

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

(d) A defendant who is confined in a county other than the county in which charges against the defendant are pending may 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) A defendant who enters a plea or waiver under Subsection (d):

(1) consents to venue in the county in which the court receiving the plea or waiver is located; and

(2) waives any claim of error related to venue.

(e-1) Subsection (e) does not prohibit a court from granting a defendant's motion for change of venue during the trial of the defendant.

(f) If a defendant enters a plea of guilty or nolo contendere under Subsection (d), the attorney representing the state may request at the time the plea is entered that the defendant submit a fingerprint of the defendant suitable for attachment to the judgment. On request for a fingerprint under this subsection,

1 the county in which the defendant is confined shall obtain a
2 fingerprint of the defendant and use first-class mail or other
3 means acceptable to the attorney representing the state and the
4 county to forward the fingerprint to the court accepting the plea.

5 SECTION 2. This Act applies to any proceeding pending
6 before a court on or after September 1, 2005.

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