

By: Seliger

S.B. No. 395

A BILL TO BE ENTITLED

1 AN ACT

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

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

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

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

12 (e) A defendant who enters a plea or waiver under Subsection  
13 (d):

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

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

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

20 (f) If a defendant enters a plea of guilty or nolo  
21 contendere under Subsection (d), the attorney representing the  
22 state may request at the time the plea is entered that the defendant  
23 submit a fingerprint of the defendant suitable for attachment to  
24 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.