

By: Seliger, Lucio

S.B. No. 1470

A BILL TO BE ENTITLED

AN ACT

1
2 relating to certain notifications required for persons convicted of
3 a misdemeanor involving family violence.

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

5 SECTION 1. Subsection (a), Article 26.13, Code of Criminal
6 Procedure, is amended to read as follows:

7 (a) Prior to accepting a plea of guilty or a plea of nolo
8 contendere, the court shall admonish the defendant of:

9 (1) the range of the punishment attached to the
10 offense;

11 (2) the fact that the recommendation of the
12 prosecuting attorney as to punishment is not binding on the court.
13 Provided that the court shall inquire as to the existence of any
14 plea bargaining agreements between the state and the defendant and,
15 in the event that such an agreement exists, the court shall inform
16 the defendant whether it will follow or reject such agreement in
17 open court and before any finding on the plea. Should the court
18 reject any such agreement, the defendant shall be permitted to
19 withdraw his plea of guilty or nolo contendere;

20 (3) the fact that if the punishment assessed does not
21 exceed the punishment recommended by the prosecutor and agreed to
22 by the defendant and his attorney, the trial court must give its
23 permission to the defendant before he may prosecute an appeal on any
24 matter in the case except for those matters raised by written

1 motions filed prior to trial;

2 (4) the fact that if the defendant is not a citizen of
3 the United States of America, a plea of guilty or nolo contendere
4 for the offense charged may result in deportation, the exclusion
5 from admission to this country, or the denial of naturalization
6 under federal law; ~~and~~

7 (5) the fact that the defendant will be required to
8 meet the registration requirements of Chapter 62, if the defendant
9 is convicted of or placed on deferred adjudication for an offense
10 for which a person is subject to registration under that chapter;
11 and

12 (6) the fact that it is unlawful for the defendant to
13 possess or transfer a firearm or ammunition if the defendant is
14 convicted of a misdemeanor involving family violence, as defined by
15 Section 71.004, Family Code.

16 SECTION 2. Chapter 42, Code of Criminal Procedure, is
17 amended by adding Article 42.0131 to read as follows:

18 Art. 42.0131. REQUIRED NOTICE FOR PERSONS CONVICTED OF
19 MISDEMEANORS INVOLVING FAMILY VIOLENCE. If a person is convicted
20 of a misdemeanor involving family violence, as defined by Section
21 71.004, Family Code, the court shall notify the person of the fact
22 that it is unlawful for the person to possess or transfer a firearm
23 or ammunition.

24 SECTION 3. This Act takes effect September 1, 2007.