

BILL ANALYSIS

C.S.H.B. 1544
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Criminal Jurisprudence
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Currently, it is necessary to expedite dockets in courts that hear misdemeanor cases by instituting the "mail box rule," which allows a defendant to have a misdemeanor case disposed of without having to physically appear in court. At any point until the trial on the merits of the case commences, a defendant can decide to plead, or change his or her original pleading to guilty or nolo contendere and waive the right to a jury trial. The defendant can do so in person or by mail as long as the postmark on the envelope is dated before the date on which the trial commences.

C.S.H.B. 1544 allows a defendant to mail in or deliver in person a plea of guilty or nolo contendere thereby waiving a trial by jury which may be received by the court after the time the defendant is required to appear in court but must be received at least five business days before a scheduled trial date for the court to dispose of the case.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 1544 amends the Code of Criminal Procedure to require a court in the case of a defendant who is charged with a misdemeanor punishable by fine only and who mails or delivers in person to the court a plea of "guilty" or "nolo contendere" and a waiver of jury trial, if the court receives the plea and waiver after the time the defendant is scheduled to appear in court but at least five business days before a scheduled trial date, to dispose of the case without requiring a court appearance by the defendant.

EFFECTIVE DATE

September 1, 2009.

COMPARISON OF ORIGINAL AND SUBSTITUTE

C.S.H.B. 1544 differs from the original by retaining current law that requires a court that receives a plea and waiver before the time the defendant is scheduled to appear in court, to dispose of the case without requiring a court appearance by the defendant, whereas the original requires the court to dispose of the case without requiring any additional appearance by the defendant, if the defendant mails or delivers in person to the court the plea and waiver before the date on which the trial on the merits commences.

C.S.H.B. 1544 adds a provision not in the original requiring a court in the case of a defendant who is charged with a misdemeanor punishable by fine only and who mails or delivers in person to the court a plea of "guilty" or "nolo contendere" and a waiver of jury trial to dispose of the case without requiring a court appearance, if the court receives the plea and waiver after the time the defendant is scheduled to appear in court but at least five business days before a scheduled trial date.