

BILL ANALYSIS

C.S.H.B. 3372
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Corrections
Committee Report (Substituted)

BACKGROUND AND PURPOSE

C.S.H.B. 3372 requires a court to accept a written plea of guilty or nolo contendere with respect to a Class A or B misdemeanor sent by United States mail or secure electronic or facsimile transmission from an inmate who is incarcerated in a facility operated by or under contract with the Texas Department of Criminal Justice and sets forth requirements for this process.

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. 3372 amends the Code of Criminal Procedure to require a court to accept a written plea of guilty or nolo contendere with respect to a Class A or B misdemeanor sent by United States mail or secure electronic or facsimile transmission from an inmate who is incarcerated in a facility operated by or under contract with the Texas Department of Criminal Justice. The bill requires the court, before accepting such a plea, to verify that the person submitting the plea is the same person named in the information or a person with legal authority to enter a plea on behalf of the person named in the information. The bill requires the submitted plea to be accompanied by a waiver of jury trial.

EFFECTIVE DATE

September 1, 2009.

COMPARISON OF ORIGINAL AND SUBSTITUTE

C.S.H.B. 3372 differs from the original by requiring a court to accept a written plea of guilty or nolo contendere with respect to a Class A or B misdemeanor sent by United States mail or secure electronic or facsimile transmission from an inmate who is incarcerated in a facility operated by or under contract with the Texas Department of Criminal Justice, whereas the original requires a court to accept a plea of guilty or nolo contendere with respect to a Class A or B misdemeanor through a broadcast by a closed circuit video teleconferencing from an inmate who is incarcerated in a facility operated by or under contract with the Texas Department of Criminal Justice following a felony conviction who is charged with also having committed the misdemeanor. The substitute adds provisions not in the original requiring the court, before accepting a plea, to verify that the person submitting the plea is the same person named in the information or a person with legal authority to enter a plea on behalf of the person and requiring the submitted plea to be accompanied by a waiver of jury trial.