

By: Carona

S.B. No. 413

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the prosecution of a Class C misdemeanor offense for  
3 which the defendant does not appear.

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

5 SECTION 1. Article 27.14(d), Code of Criminal Procedure, is  
6 amended to read as follows:

7 (d) If written notice of an offense for which maximum  
8 possible punishment is by fine only or of a violation relating to  
9 the manner, time, and place of parking has been prepared,  
10 delivered, and filed with the court and a legible duplicate copy has  
11 been given to the defendant, the written notice serves as a  
12 complaint to which the defendant may plead "guilty," "not guilty,"  
13 or "nolo contendere." If the defendant pleads "not guilty" to the  
14 offense or fails to appear based on the written notice, a complaint  
15 shall be filed that conforms to the requirements of Chapter 45 of  
16 this code, and that complaint serves as an original complaint. A  
17 defendant may waive the filing of a sworn complaint and elect that  
18 the prosecution proceed on the written notice of the charged  
19 offense if the defendant agrees in writing with the prosecution,  
20 signs the agreement, and files it with the court.

21 SECTION 2. The change in law made by this Act applies only  
22 to the prosecution of an offense committed on or after the effective  
23 date of this Act. The prosecution of an offense committed before  
24 the effective date of this Act is covered by the law in effect at the

1 time the offense was committed, and the former law is continued in  
2 effect for that purpose. For purposes of this section, an offense  
3 was committed before the effective date of this Act if any element  
4 of the offense occurred before that date.

5 SECTION 3. This Act takes effect September 1, 2009.