

1-1 By: Carona S.B. No. 413
1-2 (In the Senate - Filed January 6, 2009; February 17, 2009,
1-3 read first time and referred to Committee on Criminal Justice;
1-4 April 28, 2009, reported favorably by the following vote: Yeas 5,
1-5 Nays 0; April 28, 2009, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to the prosecution of a Class C misdemeanor offense for
1-9 which the defendant does not appear.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Subsection (d), Article 27.14, Code of Criminal
1-12 Procedure, is amended to read as follows:

1-13 (d) If written notice of an offense for which maximum
1-14 possible punishment is by fine only or of a violation relating to
1-15 the manner, time, and place of parking has been prepared,
1-16 delivered, and filed with the court and a legible duplicate copy has
1-17 been given to the defendant, the written notice serves as a
1-18 complaint to which the defendant may plead "guilty," "not guilty,"
1-19 or "nolo contendere." If the defendant pleads "not guilty" to the
1-20 offense or fails to appear based on the written notice, a complaint
1-21 shall be filed that conforms to the requirements of Chapter 45 of
1-22 this code, and that complaint serves as an original complaint. A
1-23 defendant may waive the filing of a sworn complaint and elect that
1-24 the prosecution proceed on the written notice of the charged
1-25 offense if the defendant agrees in writing with the prosecution,
1-26 signs the agreement, and files it with the court.

1-27 SECTION 2. The change in law made by this Act applies only
1-28 to the prosecution of an offense committed on or after the effective
1-29 date of this Act. The prosecution of an offense committed before
1-30 the effective date of this Act is covered by the law in effect at the
1-31 time the offense was committed, and the former law is continued in
1-32 effect for that purpose. For purposes of this section, an offense
1-33 was committed before the effective date of this Act if any element
1-34 of the offense occurred before that date.

1-35 SECTION 3. This Act takes effect September 1, 2009.

1-36 * * * * *