

BILL ANALYSIS

S.B. 519
By: Hegar
Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Under current law a criminal defendant in a justice or municipal court has only one day after judgment to make a motion for a new trial. The one-day time period is much shorter than the time period to make a motion for new trial in a civil case in justice or municipal court (five days) or the time period to make a motion for new trial in a criminal case in a county-level court or a district court (30 days).

S.B. 519 would extend the time period to make a motion for new trial in a criminal case in a justice or municipal court from one day to five days. This would give defendants more of an opportunity to make a motion for new trial and a consistent five-day time period within which a motion for new trial in all cases, civil and criminal cases, in justice and municipal courts, could be made.

As proposed, S.B. 519 amends current law relating to the period during which a motion for a new trial in a criminal proceeding in a justice or municipal court must be made.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

ANALYSIS

SECTION 1. Amends Article 45.037, Code of Criminal Procedure, to require that a motion for a new trial be made within five days, rather than one day, after the rendition of judgment and sentence, and not afterward.

SECTION 2. Makes application of this Act prospective.

EFFECTIVE DATE

September 1, 2011