

BILL ANALYSIS

S.B. 1522
By: Hinojosa
Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Currently, under Article 27.19 (Plea by Certain Defendants), Code of Criminal Procedure, a court is required to accept a plea of guilty or nolo contendere from a defendant who is confined in a penal institution if the plea is made in accordance with the procedures established by Article 27.18 (Plea or Waiver of Rights by Closed Circuit Video Conferencing), or in writing.

S.B. 1522 will expand this section to include accepting a plea if it is delivered by United States mail or secure electronic or facsimile transmission.

S.B. 1522 also contains a provision that states that before a court can accept a plea submitted in this manner, the court shall verify that the person submitting the plea is the defendant named in the information or indictment, or a person with legal authority to act for the defendant named in the information or indictment.

As proposed, S.B. 1522 amends current law relating to the entering of a plea in a criminal case by a defendant confined in a penal institution.

RULEMAKING AUTHORITY

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

ANALYSIS

SECTION 1. Amends Article 27.19, Code of Criminal Procedure, by amending Subsection (a) and adding Subsection (c), as follows:

(a) Requires a court, notwithstanding any other provision of this code, to accept a plea of guilty or nolo contendere from a defendant who is confined in a penal institution if the plea is made:

(1) in accordance with the procedure established by Article 27.18; or

(2) in writing, including a writing delivered by United States mail or secure electronic or facsimile transmission, before the appropriate court having jurisdiction in the county in which the penal institution is located, provided that certain actions are taken.

(c) Requires the court, before accepting a plea submitted under Subsection (a)(2), to verify that the person submitting the plea is:

(1) the defendant named in the information or indictment; or

(2) a person with legal authority to act for the defendant named in the information or indictment.

SECTION 2. Provides that Article 27.19, Code of Criminal Procedure, as amended by this Act, applies to a plea of guilty or nolo contendere entered on or after the effective date of this Act,

regardless of whether the offense with reference to which the plea is entered is committed before, on, or after that date.

EFFECTIVE DATE

September 1, 2011.