

By: Kleinschmidt

H.B. No. 463

A BILL TO BE ENTITLED

1 AN ACT
2 relating to information included in the judgment in a criminal
3 case.

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

5 SECTION 1. Section 1, Article 42.01, Code of Criminal
6 Procedure, is amended to read as follows:

7 Sec. 1. A judgment is the written declaration of the court
8 signed by the trial judge and entered of record showing the
9 conviction or acquittal of the defendant. The sentence served
10 shall be based on the information contained in the judgment. The
11 judgment shall reflect:

- 12 1. The title and number of the case;
- 13 2. That the case was called and the parties appeared,
14 naming the attorney for the state, the defendant, and the attorney
15 for the defendant, or, where a defendant is not represented by
16 counsel, that the defendant knowingly, intelligently, and
17 voluntarily waived the right to representation by counsel;
- 18 3. The plea or pleas of the defendant to the offense
19 charged;
- 20 4. Whether the case was tried before a jury or a jury
21 was waived;
- 22 5. The submission of the evidence, if any;
- 23 6. In cases tried before a jury that the jury was
24 charged by the court;

1 7. The verdict or verdicts of the jury or the finding
2 or findings of the court;

3 8. In the event of a conviction that the defendant is
4 adjudged guilty of the offense as found by the verdict of the jury
5 or the finding of the court, and that the defendant be punished in
6 accordance with the jury's verdict or the court's finding as to the
7 proper punishment;

8 9. In the event of conviction where death or any
9 punishment is assessed that the defendant be sentenced to death, a
10 term of confinement or community supervision, or to pay a fine, as
11 the case may be;

12 10. In the event of conviction where the imposition of
13 sentence is suspended and the defendant is placed on community
14 supervision, setting forth the punishment assessed, the length of
15 community supervision, and the conditions of community
16 supervision;

17 11. In the event of acquittal that the defendant be
18 discharged;

19 12. The county and court in which the case was tried
20 and, if there was a change of venue in the case, the name of the
21 county in which the prosecution was originated;

22 13. The offense or offenses for which the defendant
23 was convicted;

24 14. The date of the offense or offenses and degree of
25 offense for which the defendant was convicted;

26 15. The term of sentence;

27 16. The date judgment is entered;

- 1 17. The date sentence is imposed;
- 2 18. The date sentence is to commence and any credit for
3 time served;
- 4 19. The terms of any order entered pursuant to Article
5 42.08 of this code that the defendant's sentence is to run
6 cumulatively or concurrently with another sentence or sentences;
- 7 20. The terms of any plea bargain;
- 8 21. Affirmative findings entered pursuant to
9 Subdivision (2) of Subsection (a) of Section 3g of Article 42.12 of
10 this code;
- 11 22. The terms of any fee payment ordered under Article
12 42.151 of this code;
- 13 23. The defendant's thumbprint taken in accordance
14 with Article 38.33 of this code;
- 15 24. In the event that the judge orders the defendant to
16 repay a reward or part of a reward under Articles 37.073 and 42.152
17 of this code, a statement of the amount of the payment or payments
18 required to be made;
- 19 25. In the event that the court orders restitution to
20 be paid to the victim, a statement of the amount of restitution
21 ordered and:
- 22 (A) the name and address of a person or agency
23 that will accept and forward restitution payments to the victim; or
- 24 (B) if the court specifically elects to have
25 payments made directly to the crime victim, the name and permanent
26 address of the victim at the time of judgment;
- 27 26. In the event that a presentence investigation is

1 required by Section 9(a), (b), (h), or (i), Article 42.12 of this
2 code, a statement that the presentence investigation was done
3 according to the applicable provision;

4 27. In the event of conviction of an offense for which
5 registration as a sex offender is required under Chapter 62, a
6 statement that the registration requirement of that chapter applies
7 to the defendant and a statement of the age of the victim of the
8 offense;

9 28. The defendant's state identification number
10 required by Article [~~Section~~] 60.052(a)(2), if that number has been
11 assigned at the time of the judgment; [~~and~~]

12 29. The incident number required by Article [~~Section~~]
13 60.052(a)(4), if that number has been assigned at the time of the
14 judgment;

15 30. If available, the defendant's driver's license
16 number or personal identification certificate number issued by:

17 (A) the Department of Public Safety; or

18 (B) the equivalent agency in another state; and

19 31. The defendant's date of birth.

20 SECTION 2. The change in law made by this Act applies only
21 to a judgment in a criminal case entered on or after the effective
22 date of this Act.

23 SECTION 3. This Act takes effect September 1, 2011.