

By: Lucio III

H.B. No. 1101

A BILL TO BE ENTITLED

AN ACT

relating to the right of one immediate family member of certain deceased peace officers to make an oral statement regarding the terms of a plea bargain agreement.

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

SECTION 1. Chapter 26, Code of Criminal Procedure, is amended by adding Article 26.131 to read as follows:

Art. 26.131. ORAL STATEMENT REGARDING TERMS OF PLEA BARGAIN AGREEMENT. (a) One immediate family member of a peace officer who dies as the result of alleged criminal conduct for which a defendant has been indicted or for which an information has been returned is entitled to make an oral statement to the court regarding the terms of any plea bargain agreement in the case and regarding whether the peace officer's family supports or opposes the terms of that agreement. The family member who makes the statement must be designated by the peace officer's immediate family.

(b) In a case in which a peace officer dies as a result of the alleged criminal conduct of the defendant, the attorney representing the state shall notify the immediate family members of the deceased peace officer of the existence and terms of any plea bargain agreement and the right of one immediate family member to make an oral statement to the court as described by Subsection (a).

(c) The court shall:

(1) consider an oral statement under Subsection (a)

before sentencing the defendant; and

(2) permit the defendant or the defendant's counsel an opportunity to:

(A) cross-examine the person making the oral statement;

(B) comment on the oral statement; and

(C) with the approval of the court, introduce testimony or other information alleging a factual inaccuracy in the oral statement.

(d) Before the immediate family member makes an oral statement under Subsection (a), the court shall inform the family member of the defendant's rights under Subsection (c)(2).

(e) The presentation and consideration of an oral statement under this article is in addition to the consideration of a written victim impact statement under Article 56.03 and does not preclude the presentation of a statement after sentence is pronounced under Article 42.03.

(f) In this article:

(1) "Immediate family member of a peace officer" means an individual who is related to a peace officer within the second degree by affinity or consanguinity.

(2) "Peace officer" has the meaning assigned by Section 1.07, Penal Code.

SECTION 2. The change in law made by this Act applies only 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

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1 after that date.

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