

By: Fletcher

H.B. No. 2647

A BILL TO BE ENTITLED

AN ACT

relating to trials for misdemeanor cases.

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

SECTION 1. Article 4.12, Code of Criminal Procedure, is amended to read as follows:

Art. 4.12. MISDEMEANOR CASES; PRECINCT IN WHICH DEFENDANT TO BE TRIED IN JUSTICE COURT. (a) Except as otherwise provided by this article, a misdemeanor case to be tried in justice court shall be tried:

(1) in the precinct in which the offense was committed;

(2) in the precinct in which the defendant or any of the defendants reside; ~~or~~

(3) with the written consent of the state and each defendant or the defendant's attorney, in any other precinct within the county; or

(4) in a county with a population of 3.3 million or more, in the precinct in which the offense was committed or an adjacent precinct.

(b) In any misdemeanor case in which the offense was committed in a precinct where there is no qualified justice court, then trial shall be held:

(1) in the next adjacent precinct in the same county which has a duly qualified justice court; or

1           (2) in the precinct in which the defendant may reside.

2           (c) In any misdemeanor case in which each justice of the  
3 peace in the precinct where the offense was committed is  
4 disqualified for any reason, such case may be tried in the next  
5 adjoining precinct in the same county having a duly qualified  
6 justice of the peace.

7           (d) A defendant who is taken before a magistrate in  
8 accordance with Article 15.18 may waive trial by jury and enter a  
9 written plea of guilty or nolo contendere.

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