

By: Hinojosa
(Madden, Gallego, Carter, Burkett, Aliseda)

S.B. No. 1522

A BILL TO BE ENTITLED

AN ACT

relating to the entering of a plea in a criminal case by a defendant confined in a penal institution.

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

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

(a) Notwithstanding any other provision of this code, a court shall 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:

(A) the defendant is notified by the court of original jurisdiction of the right to counsel and the procedures for requesting appointment of counsel, and is provided a reasonable opportunity to request a court-appointed lawyer;

(B) if the defendant elects to proceed without counsel, the defendant must waive the right to counsel in accordance with Article 1.051;

1 (C) the defendant must waive the right to be
2 present at the taking of the plea or to have counsel present, if the
3 defendant has counsel; and

4 (D) if the defendant is charged with a felony,
5 judgment and sentence are rendered in accordance with the
6 conditions and the procedure established by Article 42.14(b).

7 (c) Before accepting a plea submitted under Subsection
8 (a)(2), the court shall verify that the person submitting the plea
9 is:

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

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

14 SECTION 2. Article 27.19, Code of Criminal Procedure, as
15 amended by this Act, applies to a plea of guilty or nolo contendere
16 entered on or after the effective date of this Act, regardless of
17 whether the offense with reference to which the plea is entered is
18 committed before, on, or after that date.

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