

1-1 By: Hinojosa S.B. No. 1522
1-2 (In the Senate - Filed March 10, 2011; March 22, 2011, read
1-3 first time and referred to Committee on Criminal Justice;
1-4 April 18, 2011, reported favorably by the following vote: Yeas 7,
1-5 Nays 0; April 18, 2011, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to the entering of a plea in a criminal case by a defendant
1-9 confined in a penal institution.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Article 27.19, Code of Criminal Procedure, is
1-12 amended by amending Subsection (a) and adding Subsection (c) to
1-13 read as follows:

1-14 (a) Notwithstanding any other provision of this code, a
1-15 court shall accept a plea of guilty or nolo contendere from a
1-16 defendant who is confined in a penal institution if the plea is
1-17 made:

1-18 (1) in accordance with the procedure established by
1-19 Article 27.18; or

1-20 (2) in writing, including a writing delivered by
1-21 United States mail or secure electronic or facsimile transmission,
1-22 before the appropriate court having jurisdiction in the county in
1-23 which the penal institution is located, provided that:

1-24 (A) the defendant is notified by the court of
1-25 original jurisdiction of the right to counsel and the procedures
1-26 for requesting appointment of counsel, and is provided a reasonable
1-27 opportunity to request a court-appointed lawyer;

1-28 (B) if the defendant elects to proceed without
1-29 counsel, the defendant must waive the right to counsel in
1-30 accordance with Article 1.051;

1-31 (C) the defendant must waive the right to be
1-32 present at the taking of the plea or to have counsel present, if the
1-33 defendant has counsel; and

1-34 (D) if the defendant is charged with a felony,
1-35 judgment and sentence are rendered in accordance with the
1-36 conditions and the procedure established by Article 42.14(b).

1-37 (c) Before accepting a plea submitted under Subsection
1-38 (a)(2), the court shall verify that the person submitting the plea
1-39 is:

1-40 (1) the defendant named in the information or
1-41 indictment; or

1-42 (2) a person with legal authority to act for the
1-43 defendant named in the information or indictment.

1-44 SECTION 2. Article 27.19, Code of Criminal Procedure, as
1-45 amended by this Act, applies to a plea of guilty or nolo contendere
1-46 entered on or after the effective date of this Act, regardless of
1-47 whether the offense with reference to which the plea is entered is
1-48 committed before, on, or after that date.

1-49 SECTION 3. This Act takes effect September 1, 2011.

1-50 * * * * *