

BILL ANALYSIS

S.B. 361
By: Watson
Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Some persons accused of misdemeanor offenses in Texas may be subject to immigration law consequences upon arraignment or at the entering of a plea before a magistrate. Article 15.17(a), Code of Criminal Procedure, does not provide a clear, consistent, and uniform instruction to accused persons in this situation. And, while some courts in Texas are creating their own instructions in these cases, others are not giving instruction of any kind to persons accused of misdemeanor offenses.

The purpose of this bill is to provide all magistrates in the State of Texas with uniform instructions with regard to admonishing persons who are accused of criminal offenses about possible immigration law consequences of conviction, prior to arraignment or the entering of a plea.

Specifically, this bill will bring Article 15.17(a) into conformity with Article 26.13(a)(4) (relating to a defendant pleading guilty or nolo contendere who is not a citizen of the United States of America), Code of Criminal Procedure, to assure that misdemeanor defendants are given the kind of warning regarding immigration consequences of conviction that is required in felony guilty plea proceedings.

As proposed, S.B. 361 amends current law relating to the duties of a magistrate to inform an arrested person of consequences of a plea of guilty or nolo contendere.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

ANALYSIS

SECTION 1. Amends Article 15.17(a), Code of Criminal Procedure, to require a magistrate to take certain actions, including to inform the person arrested that, if the person is not a citizen of the United States of America, a plea of guilty or nolo contendere for the offense charged may affect the person's immigration or residency status and may result in deportation, the exclusion from admission to this country, or the denial of naturalization under federal law.

EFFECTIVE DATE

Effective date: September 1, 2013.