

By: Alonzo

H.B. No. 212

Substitute the following for H.B. No. 212:

By: Herrero

C.S.H.B. No. 212

A BILL TO BE ENTITLED

AN ACT

relating to pretrial hearings in criminal cases.

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

SECTION 1. Article 28.01, Code of Criminal Procedure, is amended by adding Section 4 to read as follows:

Sec. 4. (a) A court shall set a pre-trial hearing in a criminal case other than a case involving an offense punishable as a Class C misdemeanor if, not later than the 60th day before the date on which trial commences, the defendant requests the hearing. The court must:

(1) hold the requested hearing not later than the 30th day before the date on which trial commences; and

(2) to the extent feasible, rule at the hearing on all pre-trial motions filed in the case.

(b) The failure of the court to comply with the requirements of Subsection (a) is not grounds for dismissal of a case against a defendant.

(c) The court may not sustain a motion to set aside an indictment, information, or complaint for failure to provide a speedy trial, as described by Article 28.061, based solely on the failure of the court to comply with the requirements of Subsection (a).

SECTION 2. This Act applies only to a criminal case in which the indictment or information is presented to the court on or after

1 the effective date of this Act. A criminal case in which the
2 indictment or information is presented to the court before the
3 effective date of this Act is governed by the law in effect on the
4 date the indictment or information is presented, and the former law
5 is continued in effect for that purpose.

6 SECTION 3. This Act takes effect September 1, 2013.