

By: Turner of Harris

H.B. No. 1246

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to a defendant's authority to amend a motion for new trial  
3 in a criminal case.

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

5 SECTION 1. Chapter 44, Code of Criminal Procedure, is  
6 amended by adding Article 44.03 to read as follows:

7 Art. 44.03. AMENDING MOTION FOR NEW TRIAL. A defendant may  
8 file one or more amended motions for new trial before the 60th day  
9 after the date the trial court imposed or suspended the defendant's  
10 sentence, except that the defendant may not seek to amend a motion  
11 for new trial after a ruling on the motion.

12 SECTION 2. (a) Under the terms of Section 22.108(b),  
13 Government Code, Rule 21.4(b), Texas Rules of Appellate Procedure,  
14 is disapproved, but only to the extent the rule conflicts with  
15 Article 44.03, Code of Criminal Procedure, as added by this Act.

16 (b) The rulemaking authority granted to the court of  
17 criminal appeals under Section 22.108, Government Code, is  
18 withdrawn with respect to a rule of appellate procedure relating to  
19 a defendant's time to amend a motion for new trial, but only to the  
20 extent the rule conflicts with Article 44.03, Code of Criminal  
21 Procedure, as added by this Act.

22 SECTION 3. The change in law made by this Act applies only  
23 to a sentence imposed or suspended on or after the effective date of  
24 this Act. A sentence imposed or suspended before the effective date

1 of this Act is governed by the law in effect immediately before the  
2 effective date of this Act, and the former law is continued in  
3 effect for that purpose.

4 SECTION 4. This Act takes effect immediately if it receives  
5 a vote of two-thirds of all the members elected to each house, as  
6 provided by Section 39, Article III, Texas Constitution. If this  
7 Act does not receive the vote necessary for immediate effect, this  
8 Act takes effect September 1, 2013.