

By: Guillen

H.B. No. 2679

Substitute the following for H.B. No. 2679:

By: Herrero

C.S.H.B. No. 2679

A BILL TO BE ENTITLED

AN ACT

relating to permitting an alternative plea for a defendant detained in jail pending trial for a Class C misdemeanor.

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

SECTION 1. Article 45.023, Code of Criminal Procedure, is amended to read as follows:

Art. 45.023. DEFENDANT'S PLEA. (a) After the jury is impaneled, or after the defendant has waived trial by jury, the defendant may:

(1) plead guilty or not guilty;

(2) enter a plea of nolo contendere; or

(3) enter the special plea of double jeopardy as described by Article 27.05.

(b) If a defendant is detained in jail before trial, the justice or judge may permit the defendant to enter any of the pleas described by Subsection (a).

(c) If a defendant who is detained in jail enters a plea of guilty or nolo contendere, the justice or judge may, after complying with Article 15.17 and advising the defendant of the defendant's right to trial by jury, as appropriate:

(1) accept the defendant's plea;

(2) assess a fine, determine costs, and accept payment of the fine and costs;

(3) give the defendant credit for time served;

1 (4) determine whether the defendant is indigent; or

2 (5) discharge the defendant.

3 (d) Notwithstanding Article 45.037, following a plea of
4 guilty or nolo contendere entered under Subsection (b), a motion
5 for new trial must be made not later than 10 days after the
6 rendition of judgment and sentence, and not afterward. The justice
7 or judge shall grant a motion for new trial made under this
8 subsection.

9 SECTION 2. This Act takes effect September 1, 2013.