

By: Alonzo

H.B. No. 452

Substitute the following for H.B. No. 452:

By: Herrero

C.S.H.B. No. 452

A BILL TO BE ENTITLED

AN ACT

relating to pretrial hearings in criminal cases in certain courts.

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 pretrial hearing in a criminal case 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 pretrial motions filed in the case.

(b) If a court fails to hold a pretrial hearing under Subsection (a), the defendant is entitled to a continuance of the trial setting to a date not later than the 30th day after the date on which the court holds the hearing as required under that subsection.

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

(d) 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

1 failure of the court to comply with the requirements of Subsection
2 (a).

3 (e) This section does not apply to a case in which the
4 offense:

5 (1) is punishable by fine only;

6 (2) is punishable by a fine and a sanction not
7 consisting of confinement or imprisonment; or

8 (3) is an offense under Chapter 106, Alcoholic
9 Beverage Code, the punishment for which does not include
10 confinement as an authorized sanction.

11 SECTION 2. This Act applies only to a criminal case in which
12 the indictment or information is presented to the court on or after
13 the effective date of this Act. A criminal case in which the
14 indictment or information is presented to the court before the
15 effective date of this Act is governed by the law in effect on the
16 date the indictment or information is presented, and the former law
17 is continued in effect for that purpose.

18 SECTION 3. This Act takes effect September 1, 2015.