

1-1 By: Alonzo (Senate Sponsor - Uresti) H.B. No. 452
 1-2 (In the Senate - Received from the House May 12, 2015;
 1-3 May 13, 2015, read first time and referred to Committee on Criminal
 1-4 Justice; May 24, 2015, reported adversely, with favorable
 1-5 Committee Substitute by the following vote: Yeas 5, Nays 1;
 1-6 May 24, 2015, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10			X	
1-11		X		
1-12	X			
1-13	X			
1-14	X			
1-15	X			

1-16 COMMITTEE SUBSTITUTE FOR H.B. No. 452 By: Whitmire

1-17 A BILL TO BE ENTITLED
 1-18 AN ACT

1-19 relating to pretrial hearings in criminal cases in certain courts.

1-20 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-21 SECTION 1. Article 28.01, Code of Criminal Procedure, is
 1-22 amended by adding Section 4 to read as follows:

1-23 Sec. 4. (a) A court shall set a pretrial hearing in a
 1-24 criminal case if, not later than the 60th day before the date on
 1-25 which trial commences, the defendant requests the hearing. The
 1-26 court must:

1-27 (1) hold the requested hearing not later than the 30th
 1-28 day before the date on which trial commences; and

1-29 (2) to the extent feasible, rule at the hearing on all
 1-30 pretrial motions filed in the case.

1-31 (b) The failure of the court to comply with the requirements
 1-32 of Subsection (a) is not grounds for dismissal of a case against a
 1-33 defendant.

1-34 (c) The court may not sustain a motion to set aside an
 1-35 indictment, information, or complaint for failure to provide a
 1-36 speedy trial, as described by Article 28.061, based solely on the
 1-37 failure of the court to comply with the requirements of Subsection
 1-38 (a).

1-39 (d) This section does not apply to a case in which the
 1-40 offense:

1-41 (1) is punishable by fine only;

1-42 (2) is punishable by a fine and a sanction not
 1-43 consisting of confinement or imprisonment; or

1-44 (3) is an offense under Chapter 106, Alcoholic
 1-45 Beverage Code, the punishment for which does not include
 1-46 confinement as an authorized sanction.

1-47 SECTION 2. This Act applies only to a criminal case in which
 1-48 the indictment or information is presented to the court on or after
 1-49 the effective date of this Act. A criminal case in which the
 1-50 indictment or information is presented to the court before the
 1-51 effective date of this Act is governed by the law in effect on the
 1-52 date the indictment or information is presented, and the former law
 1-53 is continued in effect for that purpose.

1-54 SECTION 3. This Act takes effect September 1, 2015.

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