

By: Wu

H.B. No. 803

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the filing of a complaint for certain misdemeanor
3 offenses.

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

5 SECTION 1. Article 27.14(d), Code of Criminal Procedure, is
6 amended to read as follows:

7 (d) If written notice of an offense for which maximum
8 possible punishment is by fine only or of a violation relating to
9 the manner, time, and place of parking has been prepared,
10 delivered, and filed with the court and a legible duplicate copy has
11 been given to the defendant, the written notice serves as a
12 complaint to which the defendant may plead "guilty," "not guilty,"
13 or "nolo contendere." If the defendant pleads "not guilty" to the
14 offense or fails to appear based on the written notice, a peace
15 officer or an attorney representing the state shall file a
16 complaint [~~shall be filed~~] that conforms to the requirements of
17 Chapter 45 [~~of this code~~], and that complaint serves as an original
18 complaint. A defendant may waive the filing of a sworn complaint
19 and elect that the prosecution proceed on the written notice of the
20 charged offense if the defendant agrees in writing with the
21 prosecution, signs the agreement, and files it with the court.

22 SECTION 2. This Act takes effect September 1, 2015.