

BILL ANALYSIS

H.B. 2680
By: Canales
Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Interested parties contend that the requirement for certain plea forms to be used in the criminal justice system creates confusion for law practitioners who operate in multiple counties, as each county may use its own promulgated form. H.B. 2680 seeks to address this issue by requiring the Office of Court Administration of the Texas Judicial System to create and promulgate standard plea forms.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the Supreme Court of Texas in SECTION 1 of this bill.

ANALYSIS

H.B. 2680 amends the Government Code to require the Office of Court Administration of the Texas Judicial System (OCA), not later than September 1, 2018, to create and promulgate for use in criminal actions by the courts standard forms for waiving a jury trial and entering a plea of guilty or nolo contendere in a felony case; waiving a jury trial and entering a plea of guilty or nolo contendere in a misdemeanor case; a trial court to admonish a defendant as required before accepting the defendant's plea of guilty or nolo contendere; a defendant who receives admonitions in writing to acknowledge that the defendant understands the admonitions and is aware of the consequences of the defendant's plea; a trial court to enter into the record the court's certification of a defendant's right to appeal; waiving the defendant's right to discovery; acknowledging the disclosure, receipt, and list of all evidence provided to the defendant for purposes of discovery; documenting the punishment that the prosecutor recommends as part of a plea bargain agreement, if the punishment assessed by the court does not exceed the punishment recommended by the prosecutor and agreed to by the defendant; and waiving a defendant's right to an expunction or to an order of nondisclosure of criminal history record information. The bill requires OCA to update the forms as necessary and requires the Supreme Court of Texas, by rule, to set the date by which all courts with jurisdiction over criminal actions must adopt and use the forms and, if updated, to set the date by which those courts must adopt and use the updated form. The bill requires a court to accept such a form promulgated by OCA unless the form has been completed in a manner that causes a substantive defect that cannot be cured.

EFFECTIVE DATE

September 1, 2017.