

By: Wu

H.B. No. 678

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to the procedure for the entering of a plea or a  
3 stipulation of evidence by a child subject to a determinate  
4 sentence.

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

6 SECTION 1. Section 54.10, Family Code, is amended by  
7 amending Subsection (e) and adding Subsection (f) to read as  
8 follows:

9 (e) Except as provided by Subsection (f), the [The] hearings  
10 provided by Sections 54.03, 54.04, and 54.05 may not be held before  
11 a referee if the grand jury has approved of the petition and the  
12 child is subject to a determinate sentence.

13 (f) When the state and a child who is subject to a  
14 determinate sentence agree to the disposition of the case, wholly  
15 or partly, a referee or associate judge may hold a hearing for the  
16 purpose of allowing the child to enter a plea or stipulation of  
17 evidence. After the hearing under this subsection, the referee or  
18 associate judge shall transmit the referee's or associate judge's  
19 written findings and recommendations regarding the plea or  
20 stipulation of evidence to the juvenile court judge for  
21 consideration. The juvenile court judge may accept or reject the  
22 plea or stipulation of evidence in accordance with Section  
23 54.03(j).

24 SECTION 2. The changes in law made by this Act apply only to

1 conduct that occurs on or after the effective date of this Act.  
2 Conduct that occurs before the effective date of this Act is  
3 governed by the law in effect on the date the conduct occurred, and  
4 the former law is continued in effect for that purpose. For  
5 purposes of this section, conduct occurs before the effective date  
6 of this Act if any element of the conduct occurs before that date.

7 SECTION 3. This Act takes effect September 1, 2017.