

By: Geren

H.B. No. 1266

A BILL TO BE ENTITLED

AN ACT

relating to notice for hearings and trial settings in criminal cases.

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

SECTION 1. Chapter 29, Code of Criminal Procedure, is amended by adding Article 29.035 to read as follows:

Art. 29.035. FOR INSUFFICIENT NOTICE OF HEARING OR TRIAL.

(a) Notwithstanding Article 28.01 or any other provision of this chapter, and except as otherwise provided by this article, a trial court shall grant a continuance of a criminal action on oral or written motion of the state or the defendant if the trial court sets a hearing or trial without providing to the attorney for the state and the defendant, or the defendant's attorney, notice of the hearing or trial at least three business days before the date of the hearing or trial.

(b) This article does not apply during the period between:

(1) the date the trial begins; and

(2) the date the judgment is entered.

SECTION 2. Article 29.035, Code of Criminal Procedure, as added by this Act, applies to a criminal action pending before a trial court on or after the effective date of this Act, regardless of whether the offense that is the subject of the action was committed before, on, or after the effective date of this Act.

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