

By: Alonzo

H.B. No. 1718

A BILL TO BE ENTITLED

AN ACT

relating to pretrial hearings in felony cases.

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

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

Sec. 4. (a) A court shall set a pre-trial hearing in a felony case if, not later than the 60th day before the date on which trial commences, the defendant requests the hearing. The court must:

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

(2) to the extent feasible, rule at the hearing on all pre-trial motions filed in the case.

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

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

SECTION 2. This Act applies only to a felony case in which the indictment or information is presented to the court on or after the effective date of this Act. A felony case in which the indictment or information is presented to the court before the

1 effective date of this Act is governed by the law in effect on the  
2 date the indictment or information is presented, and the former law  
3 is continued in effect for that purpose.

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