

By: Canales

H.B. No. 2680

A BILL TO BE ENTITLED

AN ACT

relating to the creation and promulgation of certain standard forms for statewide use in criminal actions.

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

SECTION 1. Subchapter C, Chapter 72, Government Code, is amended by adding Section 72.0245 to read as follows:

Sec. 72.0245. STANDARD FORMS IN CRIMINAL ACTIONS. (a) The office shall create and promulgate for use in criminal actions by the courts standard forms for:

(1) waiving a jury trial and entering a plea of guilty or nolo contendere in a felony case under Article 1.15, Code of Criminal Procedure, including for:

(A) the waiver of appearance, confrontation, and cross-examination of witnesses;

(B) the defendant's consent to an oral stipulation of evidence and testimony; and

(C) the introduction of any documentary evidence;

(2) waiving a jury trial and entering a plea of guilty or nolo contendere in a misdemeanor case under Article 27.14, Code of Criminal Procedure;

(3) a trial court to admonish a defendant under Article 26.13, Code of Criminal Procedure, and, if applicable, Article 27.14(e), Code of Criminal Procedure, before accepting the

1 defendant's plea of guilty or nolo contendere;

2 (4) a defendant who receives admonitions in writing
3 under Article 26.13, Code of Criminal Procedure, to acknowledge
4 that the defendant understands the admonitions and is aware of the
5 consequences of the defendant's plea;

6 (5) a trial court to enter into the record the court's
7 certification of a defendant's right to appeal under Rule
8 25.2(a)(2), Texas Rules of Appellate Procedure;

9 (6) waiving the defendant's right to discovery under
10 Article 39.14, Code of Criminal Procedure;

11 (7) acknowledging the disclosure, receipt, and list of
12 all evidence provided to the defendant under Article 39.14, Code of
13 Criminal Procedure, as required by Subsection (j) of that article;

14 (8) documenting the punishment that the prosecutor
15 recommends as part of a plea bargain agreement, including a
16 defendant's consent to waiving certain appeal rights under Rule
17 25.2(a)(2), Texas Rules of Appellate Procedure, if the punishment
18 assessed by the court does not exceed the punishment recommended by
19 the prosecutor and agreed to by the defendant; and

20 (9) waiving a defendant's right to an expunction or to
21 an order of nondisclosure of criminal history record information.

22 (b) The office shall update the forms as necessary.

23 (c) The supreme court by rule shall set the date by which all
24 courts with jurisdiction over criminal actions must adopt and use
25 the forms created under Subsection (a), and if updated, the date by
26 which those courts must adopt and use a form updated under
27 Subsection (b).

1 (d) A court shall accept a form promulgated by the office
2 under this section unless the form has been completed in a manner
3 that causes a substantive defect that cannot be cured.

4 SECTION 2. Not later than September 1, 2018, the Office of
5 Court Administration of the Texas Judicial System shall create and
6 promulgate the forms required by Section 72.0245, Government Code,
7 as added by this Act.

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