

By: Rodríguez

S.B. No. 1534

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the entry of a plea by defendants charged with certain
3 misdemeanors involving family violence.

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

5 SECTION 1. Article 27.14(b), Code of Criminal Procedure, is
6 amended to read as follows:

7 (b) A defendant charged with a misdemeanor for which the
8 maximum possible punishment is by fine only may, in lieu of the
9 method provided in Subsection (a) [~~of this article~~], mail or
10 deliver in person to the court a plea of "guilty" or a plea of "nolo
11 contendere" and a waiver of jury trial. The defendant may also
12 request in writing that the court notify the defendant, at the
13 address stated in the request, of the amount of an appeal bond that
14 the court will approve. If the court receives a plea and waiver
15 before the time the defendant is scheduled to appear in court, the
16 court shall dispose of the case without requiring a court
17 appearance by the defendant. If the court receives a plea and
18 waiver after the time the defendant is scheduled to appear in court
19 but at least five business days before a scheduled trial date, the
20 court shall dispose of the case without requiring a court
21 appearance by the defendant. The court shall notify the defendant
22 either in person or by certified mail, return receipt requested, of
23 the amount of any fine assessed in the case and, if requested by the
24 defendant, the amount of an appeal bond that the court will approve.

1 The defendant shall pay any fine assessed or give an appeal bond in
2 the amount stated in the notice before the 31st day after receiving
3 the notice. This subsection does not apply to a defendant charged
4 with a misdemeanor involving family violence, as defined by Section
5 71.004, Family Code.

6 SECTION 2. Article 27.14(e)(2), Code of Criminal Procedure,
7 is amended to read as follows:

8 (2) The court may provide the admonishment under
9 Subdivision (1) orally or in writing[, ~~except that if the defendant~~
10 ~~is charged with a misdemeanor punishable by fine only, the~~
11 ~~statement printed on a citation issued under Article 14.06(b) may~~
12 ~~serve as the court admonishment required by this subsection)].~~

13 SECTION 3. Subchapter B, Chapter 45, Code of Criminal
14 Procedure, is amended by adding Article 45.0212 to read as follows:

15 Art. 45.0212. PLEA BY DEFENDANT CHARGED WITH FAMILY
16 VIOLENCE OFFENSE. (a) In this article, "family violence" has the
17 meaning assigned by Section 71.004, Family Code.

18 (b) If a defendant is charged with an offense involving
19 family violence, the judge or justice must take the defendant's
20 plea in open court.

21 SECTION 4. The change in law made by this Act applies only
22 to the entry of a plea with respect to an offense committed on or
23 after the effective date of this Act. The entry of a plea with
24 respect to an offense committed before the effective date of this
25 Act is governed by the law in effect on the date the offense was
26 committed, and the former law is continued in effect for that
27 purpose. For purposes of this section, an offense was committed

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1 before the effective date of this Act if any element of the offense
2 occurred before that date.

3 SECTION 5. This Act takes effect September 1, 2017.