

House Bill 1507
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

SECTION 1. Article 26.13(a), Code of Criminal Procedure, is amended to read as follows:

(a) Prior to accepting a plea of guilty or a plea of nolo contendere, the court shall admonish the defendant of:

(1) the range of the punishment attached to the offense;

(2) the fact that the recommendation of the prosecuting attorney as to punishment is not binding on the court. Provided that the court shall inquire as to the existence of a plea bargain agreement between the state and the defendant and, if an agreement exists, the court shall inform the defendant whether it will follow or reject the agreement in open court and before any finding on the plea. Should the court reject the agreement, the defendant shall be permitted to withdraw the defendant's plea of guilty or nolo contendere;

(3) the fact that if the punishment assessed does not exceed the punishment recommended by the prosecutor and agreed to by the defendant and the defendant's attorney, the trial court must give its permission to the defendant before the defendant may prosecute an appeal on any matter in the case except for those matters raised by written motions filed prior to trial;

(4) the fact that if the defendant is not a citizen of the United States of America, a plea of guilty or nolo contendere for the offense charged may result in deportation, the exclusion from admission to this country, or the denial of naturalization under federal law; ~~and~~

(5) the fact that the defendant will be required to meet the registration requirements of Chapter 62, if the defendant is convicted of or placed on deferred adjudication for an offense for which a person is subject to registration under that chapter; and

(6) the fact that if the defendant is placed on community

SENATE VERSION (IE)

SECTION 1. Article 26.13, Code of Criminal Procedure, is amended by amending Subsection (a) and adding Subsection (h-1) to read as follows: [FA1(1)]

(a) Prior to accepting a plea of guilty or a plea of nolo contendere, the court shall admonish the defendant of:

(1) the range of the punishment attached to the offense;

(2) the fact that the recommendation of the prosecuting attorney as to punishment is not binding on the court. Provided that the court shall inquire as to the existence of a plea bargain agreement between the state and the defendant and, if an agreement exists, the court shall inform the defendant whether it will follow or reject the agreement in open court and before any finding on the plea. Should the court reject the agreement, the defendant shall be permitted to withdraw the defendant's plea of guilty or nolo contendere;

(3) the fact that if the punishment assessed does not exceed the punishment recommended by the prosecutor and agreed to by the defendant and the defendant's attorney, the trial court must give its permission to the defendant before the defendant may prosecute an appeal on any matter in the case except for those matters raised by written motions filed prior to trial;

(4) the fact that if the defendant is not a citizen of the United States of America, a plea of guilty or nolo contendere for the offense charged may result in deportation, the exclusion from admission to this country, or the denial of naturalization under federal law; ~~and~~

(5) the fact that the defendant will be required to meet the registration requirements of Chapter 62, if the defendant is convicted of or placed on deferred adjudication for an offense for which a person is subject to registration under that chapter; and

(6) the fact that if the defendant is placed on community

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supervision, after satisfactorily fulfilling the conditions of community supervision and on expiration of the period of community supervision, the court is authorized to release the defendant from the penalties and disabilities resulting from the offense as provided by Article 42A.701(f).

SECTION 2. Subchapter B, Chapter 42A, Code of Criminal Procedure, is amended by adding Article 42A.058 to read as follows:

Art. 42A.058. INFORMATION PROVIDED TO DEFENDANT PLACED ON COMMUNITY SUPERVISION. A judge placing a defendant on community supervision shall inform the defendant in writing and on a form prescribed by the Office of Court Administration of the Texas Judicial System that, after satisfactorily fulfilling the conditions of community supervision and on expiration of the period of community supervision, the judge is authorized to release the defendant from the penalties and disabilities resulting from the offense as provided by Article 42A.701(f).

SECTION 3. Article 42A.701, Code of Criminal Procedure, is amended by adding Subsections (f-1) and (f-2) to read as follows:

(f-1) The Office of Court Administration of the Texas Judicial System shall adopt a standardized form for use in discharging a defendant under this article. A judge

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supervision, after satisfactorily fulfilling the conditions of community supervision and on expiration of the period of community supervision, the court is authorized to release the defendant from the penalties and disabilities resulting from the offense as provided by Article 42A.701(f).

(h-1) The court must substantially comply with Subsection (a)(6). The failure of the court to comply with Subsection (a)(6) is not a ground for the defendant to set aside the conviction, sentence, or plea. [FA1(2)]

SECTION 2. Same as House version.

SECTION 3. Same as House version.

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discharging a defendant under this article must use the form adopted under this subsection. The form must provide for the judge to:

(1) discharge the defendant; or
(2) discharge the defendant, set aside the verdict or permit the defendant to withdraw the defendant's plea, and dismiss the accusation, complaint, information, or indictment against the defendant.

(f-2) The form adopted under Subsection (f-1) must state that a defendant who receives a discharge described by Subsection (f-1)(2) is released from the penalties and disabilities resulting from the offense as provided by Subsection (f).

SECTION 4. (a) Not later than December 1, 2017, the Office of Court Administration of the Texas Judicial System shall adopt the forms required by Articles 42A.058 and 42A.701(f-1), Code of Criminal Procedure, as added by this Act.

(b) Article 26.13(a), Code of Criminal Procedure, as amended by this Act, applies only to a plea of guilty or a plea of nolo contendere accepted by a court on or after January 1, 2018, regardless of whether the offense for which the plea was submitted was committed before, on, or after that date.

(c) Article 42A.058, Code of Criminal Procedure, as added by this Act, applies only to a defendant placed on community supervision on or after January 1, 2018, regardless of whether the offense for which the defendant was placed on community supervision was committed before, on, or after that date.

(d) Articles 42A.701(f-1) and (f-2), Code of Criminal Procedure, as added by this Act, apply only to a discharge from community supervision that occurs on or after January 1, 2018. A discharge from community supervision that occurs

SECTION 4. Same as House version.

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before January 1, 2018, is governed by the law in effect on the date the discharge occurs, and the former law is continued in effect for that purpose.

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

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SECTION 5. Same as House version.

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