

BILL ANALYSIS

H.B. 51
By: Canales
Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Concerns have been raised about the lack of uniformity in certain forms that are used by the courts in criminal actions and it has been suggested that this creates confusion for practitioners who operate in multiple counties. H.B. 51 seeks to curb this confusion by providing for the standardization of certain forms for use in criminal actions.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the Texas Supreme Court in SECTION 1 of this bill.

ANALYSIS

H.B. 51 amends the Government Code to require the Office of Court Administration of the Texas Judicial System (OCA), not later than September 1, 2020, to create and promulgate for use in criminal actions by the courts standard forms for the following:

- waiving a jury trial and entering a plea of guilty or nolo contendere in a felony case;
- waiving a jury trial and entering a plea of guilty or nolo contendere in a misdemeanor case;
- admonishing a defendant before the trial court accepts the defendant's plea of guilty or nolo contendere;
- acknowledging that the defendant who receives admonitions in writing understands the admonitions and is aware of the consequences of the defendant's plea;
- entering into the record the trial court's certification of a defendant's right to appeal;
- waiving the defendant's right to discovery;
- acknowledging the disclosure, receipt, and list of all evidence provided to the defendant for purposes of discovery;
- documenting the punishment the prosecutor recommends as part of a plea bargain agreement, if the punishment assessed by the court does not exceed the punishment recommended by the prosecutor and agreed to by the defendant; and
- waiving a defendant's right to an expunction or to an order of nondisclosure of criminal history record information.

H.B. 51 requires OCA to update the forms as necessary and requires the Texas Supreme Court by rule to set the date by which all courts with jurisdiction over criminal actions must adopt and use the forms and, if updated, to set the date by which those courts must adopt and use the updated form. The bill requires a court to accept a form promulgated by OCA under the bill's provisions unless the form has been completed in a manner that causes a substantive defect that cannot be cured.

EFFECTIVE DATE

September 1, 2019.