

## **BILL ANALYSIS**

Senate Research Center  
86R8757 ADM-D

H.B. 1996  
By: Leman (Huffman)  
State Affairs  
4/27/2019  
Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

It has been suggested that some defendants do not fully understand the court's admonitions given at the time of arraignment before the court accepts a plea of guilty or nolo contendere. Without proper advice or understanding of the repercussions of the plea, a defendant may make an ill-informed plea choice. For instance, such a plea for a non-U.S.-citizen could result in deportation, the exclusion from admission to the United States, or the denial of naturalization under federal law. H.B. 1996 seeks to ensure that the admonition relating to citizenship is made both orally and in writing and that the defendant and the defendant's attorney acknowledge the defendant's awareness of the consequences of the plea.

H.B. 1996 amends current law relating to admonitions given by a court to a defendant before accepting a plea of guilty or nolo contendere.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Article 26.13, Code of Criminal Procedure, by amending Subsection (d) and adding Subsection (d-1), as follows:

(d) Provides an exception under Subsection (d-1) to the authorization for a court to make the admonitions required by this article (Plea of Guilty) either orally or in writing and makes nonsubstantive changes to this subsection.

(d-1) Requires the court to make the admonition required by Subsection (a)(4) (relating to requiring the court, prior to accepting a plea of guilty or a plea of nolo contendere, to admonish the defendant of 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 is authorized to result in deportation, the exclusion from admission to this country, or the denial of naturalization under federal law) both orally and in writing. Requires the court, unless the court has received the statement as described by Subsection (d), to receive a statement signed by the defendant and the defendant's attorney that the defendant understands the admonition required by Subsection (a)(4) and is aware of the consequences of the plea. Requires the court, if the defendant is unable or refuses to sign the statement, to make a record of that fact.

SECTION 2. Provides that Article 26.13, 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 September 1, 2019, regardless of whether the offense for which the plea was submitted was committed before, on, or after that date.

SECTION 3. Effective date: September 1, 2019.