

1-1 By: Canales (Senate Sponsor - Zaffirini) H.B. No. 51
 1-2 (In the Senate - Received from the House April 15, 2019;
 1-3 April 16, 2019, read first time and referred to Committee on
 1-4 Criminal Justice; May 15, 2019, reported favorably by the
 1-5 following vote: Yeas 6, Nays 0; May 15, 2019, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7 Whitmire	X			
1-8 Huffman	X			
1-9 Buckingham	X			
1-10 Flores	X			
1-11 Hughes			X	
1-12 Miles	X			
1-13 Perry	X			

1-15 A BILL TO BE ENTITLED
 1-16 AN ACT

1-17 relating to the creation and promulgation of certain standard forms
 1-18 for statewide use in criminal actions.

1-19 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-20 SECTION 1. Subchapter C, Chapter 72, Government Code, is
 1-21 amended by adding Section 72.0245 to read as follows:

1-22 Sec. 72.0245. STANDARD FORMS IN CRIMINAL ACTIONS. (a) The
 1-23 office shall create and promulgate for use in criminal actions by
 1-24 the courts standard forms for:

1-25 (1) waiving a jury trial and entering a plea of guilty
 1-26 or nolo contendere in a felony case under Article 1.15, Code of
 1-27 Criminal Procedure, including for:

1-28 (A) the waiver of appearance, confrontation, and
 1-29 cross-examination of witnesses;

1-30 (B) the defendant's consent to an oral
 1-31 stipulation of evidence and testimony; and

1-32 (C) the introduction of any documentary
 1-33 evidence;

1-34 (2) waiving a jury trial and entering a plea of guilty
 1-35 or nolo contendere in a misdemeanor case under Article 27.14, Code
 1-36 of Criminal Procedure;

1-37 (3) a trial court to admonish a defendant under
 1-38 Article 26.13, Code of Criminal Procedure, and, if applicable,
 1-39 Article 27.14(e), Code of Criminal Procedure, before accepting the
 1-40 defendant's plea of guilty or nolo contendere;

1-41 (4) a defendant who receives admonitions in writing
 1-42 under Article 26.13, Code of Criminal Procedure, to acknowledge
 1-43 that the defendant understands the admonitions and is aware of the
 1-44 consequences of the defendant's plea;

1-45 (5) a trial court to enter into the record the court's
 1-46 certification of a defendant's right to appeal under Rule
 1-47 25.2(a)(2), Texas Rules of Appellate Procedure;

1-48 (6) waiving the defendant's right to discovery under
 1-49 Article 39.14, Code of Criminal Procedure;

1-50 (7) acknowledging the disclosure, receipt, and list of
 1-51 all evidence provided to the defendant under Article 39.14, Code of
 1-52 Criminal Procedure, as required by Subsection (j) of that article;

1-53 (8) documenting the punishment that the prosecutor
 1-54 recommends as part of a plea bargain agreement, including a
 1-55 defendant's consent to waiving certain appeal rights under Rule
 1-56 25.2(a)(2), Texas Rules of Appellate Procedure, if the punishment
 1-57 assessed by the court does not exceed the punishment recommended by
 1-58 the prosecutor and agreed to by the defendant; and

1-59 (9) waiving a defendant's right to an expunction or to
 1-60 an order of nondisclosure of criminal history record information.

1-61 (b) The office shall update the forms as necessary.

2-1 (c) The supreme court by rule shall set the date by which all
2-2 courts with jurisdiction over criminal actions must adopt and use
2-3 the forms created under Subsection (a), and if updated, the date by
2-4 which those courts must adopt and use a form updated under
2-5 Subsection (b).

2-6 (d) A court shall accept a form promulgated by the office
2-7 under this section unless the form has been completed in a manner
2-8 that causes a substantive defect that cannot be cured.

2-9 SECTION 2. Not later than September 1, 2020, the Office of
2-10 Court Administration of the Texas Judicial System shall create and
2-11 promulgate the forms required by Section 72.0245, Government Code,
2-12 as added by this Act.

2-13 SECTION 3. This Act takes effect September 1, 2019.

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