

By: Wu

H.B. No. 756

A BILL TO BE ENTITLED

AN ACT

relating to a defendant's waiver of a jury trial following a plea of guilty or nolo contendere for a felony offense.

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

SECTION 1. Article 26.14, Code of Criminal Procedure, is amended to read as follows:

Art. 26.14. JURY ON PLEA OF GUILTY. Where a defendant in a case of felony persists in pleading guilty or in entering a plea of nolo contendere, if the punishment is not absolutely fixed by law, a jury shall be impaneled to assess the punishment and evidence may be heard to enable the jury [~~them~~] to decide thereupon, unless the defendant in writing or in person in open court waives the defendant's [~~in accordance with Articles 1.13 or 37.07 shall have waived his~~] right to trial by jury. A defendant may waive the right to a jury trial in the punishment phase of the trial without the consent of the attorney representing the state or the approval of the court.

SECTION 2. The change in law made by this Act applies only to a plea of guilty or nolo contendere entered on or after the effective date of this Act, regardless of whether the offense with reference to which the plea is entered is committed before, on, or after that date.

SECTION 3. This Act takes effect September 1, 2019.