

1-1 By: Anchia, Blanco (Senate Sponsor - Watson) H.B. No. 929
 1-2 (In the Senate - Received from the House April 15, 2019;
 1-3 April 17, 2019, read first time and referred to Committee on
 1-4 Veteran Affairs & Border Security; May 10, 2019, reported
 1-5 favorably by the following vote: Yeas 5, Nays 1; May 10, 2019, sent
 1-6 to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10		X		
1-11	X			
1-12	X			
1-13			X	
1-14	X			
1-15	X			

1-16 A BILL TO BE ENTITLED
 1-17 AN ACT

1-18 relating to the duties of a magistrate to inform an arrested person
 1-19 of consequences of a plea of guilty or nolo contendere.

1-20 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-21 SECTION 1. Article 15.17(a), Code of Criminal Procedure, is
 1-22 amended to read as follows:

1-23 (a) In each case enumerated in this Code, the person making
 1-24 the arrest or the person having custody of the person arrested shall
 1-25 without unnecessary delay, but not later than 48 hours after the
 1-26 person is arrested, take the person arrested or have the person
 1-27 arrested [~~him~~] taken before some magistrate of the county where the
 1-28 person [~~accused~~] was arrested or, to provide more expeditiously to
 1-29 the person arrested the warnings described by this article, before
 1-30 a magistrate in any other county of this state. The person
 1-31 arrested [~~person~~] may be taken before the magistrate in person or
 1-32 the image of the person arrested [~~person~~] may be presented to the
 1-33 magistrate by means of a videoconference. The magistrate shall
 1-34 inform in clear language the person arrested, either in person or
 1-35 through a videoconference, of the accusation against the person
 1-36 [~~him~~] and [~~of~~] any affidavit filed therewith and of the person's
 1-37 rights [~~, of his right~~] to retain counsel, [~~of his right~~] to remain
 1-38 silent, [~~of his right~~] to have an attorney present during any
 1-39 interview with peace officers or attorneys representing the state,
 1-40 [~~of his right~~] to terminate the interview at any time, and [~~of his~~
 1-41 right] to have an examining trial. The magistrate shall inform the
 1-42 person arrested that a plea of guilty or nolo contendere for the
 1-43 offense charged may affect the person's eligibility for enlistment
 1-44 or reenlistment in the United States armed forces or may result in
 1-45 the person's discharge from the United States armed forces if the
 1-46 person is a member of the armed forces. The magistrate shall also
 1-47 inform the person arrested of the person's right to request the
 1-48 appointment of counsel if the person cannot afford counsel. The
 1-49 magistrate shall inform the person arrested of the procedures for
 1-50 requesting appointment of counsel. If the person arrested does not
 1-51 speak and understand the English language or is deaf, the
 1-52 magistrate shall inform the person in a manner consistent with
 1-53 Articles 38.30 and 38.31, as appropriate. The magistrate shall
 1-54 ensure that reasonable assistance in completing the necessary forms
 1-55 for requesting appointment of counsel is provided to the person at
 1-56 the same time. If the person arrested is indigent and requests
 1-57 appointment of counsel and if the magistrate is authorized under
 1-58 Article 26.04 to appoint counsel for indigent defendants in the
 1-59 county, the magistrate shall appoint counsel in accordance with
 1-60 Article 1.051. If the magistrate is not authorized to appoint
 1-61 counsel, the magistrate shall without unnecessary delay, but not

2-1 later than 24 hours after the person arrested requests appointment
2-2 of counsel, transmit, or cause to be transmitted to the court or to
2-3 the courts' designee authorized under Article 26.04 to appoint
2-4 counsel in the county, the forms requesting the appointment of
2-5 counsel. The magistrate shall also inform the person arrested that
2-6 the person [~~he~~] is not required to make a statement and that any
2-7 statement made by the person [~~him~~] may be used against the person
2-8 [~~him~~]. The magistrate shall allow the person arrested reasonable
2-9 time and opportunity to consult counsel and shall, after
2-10 determining whether the person is currently on bail for a separate
2-11 criminal offense, admit the person arrested to bail if allowed by
2-12 law. A record of the communication between the person arrested
2-13 [~~person~~] and the magistrate shall be made. The record shall be
2-14 preserved until the earlier of the following dates: (1) the date
2-15 on which the pretrial hearing ends; or (2) the 91st day after the
2-16 date on which the record is made if the person is charged with a
2-17 misdemeanor or the 120th day after the date on which the record is
2-18 made if the person is charged with a felony. For purposes of this
2-19 subsection, "videoconference" means a two-way electronic
2-20 communication of image and sound between the person arrested
2-21 [~~person~~] and the magistrate and includes secure Internet
2-22 videoconferencing.

2-23 SECTION 2. This Act takes effect September 1, 2019.

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