

By: Moody

H.B. No. 1319

A BILL TO BE ENTITLED

AN ACT

relating to a procedure in a justice or municipal court for rendering certain judgments and sentences.

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

SECTION 1. Article 45.041, Code of Criminal Procedure, is amended by adding Subsection (e) to read as follows:

(e)(1) This subsection applies only to a criminal action in which the defendant enters a plea of guilty or nolo contendere in a misdemeanor case punishable by fine only.

(2) A criminal action described by Subdivision (1) is considered adjudicated for purposes of appeal and the judgment and sentence in the action is considered rendered if:

(A) the defendant enters a plea of guilty or nolo contendere and pays the amount of the fine and costs owed to the state;

(B) the court finds the defendant guilty and accepts the defendant's payment as payment in full for the amount owed; and

(C) the court creates a record of the acceptance of the court's finding and the defendant's plea and payment, regardless of the form of the record or whether the record contains the justice's or judge's signature.

SECTION 2. (a) Article 45.041(e), Code of Criminal Procedure, as added by this Act, applies to a criminal action

1 commenced in a justice or municipal court before, on, or after the
2 effective date of this Act.

3 (b) The addition by this Act of Article 45.041(e), Code of
4 Criminal Procedure, is intended to clarify rather than change the
5 existing law.

6 SECTION 3. This Act takes effect immediately if it receives
7 a vote of two-thirds of all the members elected to each house, as
8 provided by Section 39, Article III, Texas Constitution. If this
9 Act does not receive the vote necessary for immediate effect, this
10 Act takes effect September 1, 2019.