

By: Leman

H.B. No. 1996

A BILL TO BE ENTITLED

AN ACT

relating to admonitions given by a court to a defendant before accepting a plea of guilty or nolo contendere.

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

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

(d) Except as provided by Subsection (d-1), the ~~[The]~~ court may make the admonitions required by this article either orally or in writing. If the court makes the admonitions in writing, it must receive a statement signed by the defendant and the defendant's attorney that the defendant ~~[he]~~ understands the admonitions and is aware of the consequences of the ~~[his]~~ plea. If the defendant is unable or refuses to sign the statement, the court shall make the admonitions orally.

(d-1) The court shall make the admonition required by Subsection (a)(4) both orally and in writing. Unless the court has received the statement as described by Subsection (d), the court must 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. If the defendant is unable or refuses to sign the statement, the court shall make a record of that fact.

SECTION 2. Article 26.13, Code of Criminal Procedure, as

H.B. No. 1996

1 amended by this Act, applies only to a plea of guilty or a plea of
2 nolo contendere accepted by a court on or after September 1, 2019,
3 regardless of whether the offense for which the plea was submitted
4 was committed before, on, or after that date.

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