

By: Collier

H.B. No. 2896

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the entry of a plea by defendants charged with certain
3 misdemeanors involving family violence.

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

5 SECTION 1. Article 27.14(b), Code of Criminal Procedure, is
6 amended to read as follows:

7 (b) A defendant charged with a misdemeanor for which the
8 maximum possible punishment is by fine only may, in lieu of the
9 method provided in Subsection (a), mail or deliver in person to the
10 court a plea of "guilty" or a plea of "nolo contendere" and a waiver
11 of jury trial. The defendant may also request in writing that the
12 court notify the defendant, at the address stated in the request, of
13 the amount of an appeal bond that the court will approve. If the
14 court receives a plea and waiver before the time the defendant is
15 scheduled to appear in court, the court shall dispose of the case
16 without requiring a court appearance by the defendant. If the court
17 receives a plea and waiver after the time the defendant is scheduled
18 to appear in court but at least five business days before a
19 scheduled trial date, the court shall dispose of the case without
20 requiring a court appearance by the defendant. The court shall
21 notify the defendant either in person or by regular mail of the
22 amount of any fine or costs assessed in the case, information
23 regarding the alternatives to the full payment of any fine or costs
24 assessed against the defendant, if the defendant is unable to pay

1 that amount, and, if requested by the defendant, the amount of an
2 appeal bond that the court will approve. Except as otherwise
3 provided by this code, the defendant shall pay any fine or costs
4 assessed or give an appeal bond in the amount stated in the notice
5 before the 31st day after receiving the notice. This subsection
6 does not apply to a defendant charged with a misdemeanor involving
7 family violence, as defined by Section 71.004, Family Code.

8 SECTION 2. Article 27.14(e)(2), Code of Criminal Procedure,
9 is amended to read as follows:

10 (2) The court may provide the admonishment under
11 Subdivision (1) orally or in writing[~~, except that if the defendant~~
12 ~~is charged with a misdemeanor punishable by fine only, the~~
13 ~~statement printed on a citation issued under Article 14.06(b) may~~
14 ~~serve as the court admonishment required by this subsection)].~~

15 SECTION 3. Subchapter B, Chapter 45, Code of Criminal
16 Procedure, is amended by adding Article 45.0211 to read as follows:

17 Art. 45.0211. PLEA BY DEFENDANT CHARGED WITH FAMILY
18 VIOLENCE OFFENSE. (a) In this article, "family violence" has the
19 meaning assigned by Section 71.004, Family Code.

20 (b) If a defendant is charged with an offense involving
21 family violence, the judge or justice must take the defendant's
22 plea in open court.

23 SECTION 4. The change in law made by this Act applies only
24 to the entry of a plea with respect to an offense committed on or
25 after the effective date of this Act. The entry of a plea with
26 respect to an offense committed before the effective date of this
27 Act is governed by the law in effect on the date the offense was

1 committed, and the former law is continued in effect for that
2 purpose. For purposes of this section, an offense was committed
3 before the effective date of this Act if any element of the offense
4 occurred before that date.

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