

BILL ANALYSIS

C.S.H.B. 689
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Criminal Jurisprudence
Committee Report (Substituted)

BACKGROUND AND PURPOSE

The Texas Indigent Defense Commission (TIDC) and its legislative workgroup members have reported that defendants in criminal cases may not understand their right to counsel due to barriers such as language comprehension, faulty technology, and mental illness and intellectual disabilities. TIDC has also reported that requests for counsel at magistration are not transferred to the appointing authority or do not receive a ruling due to incomplete financial forms. C.S.H.B. 689 seeks to address these issues by requiring magistrates to ensure that defendants do not face such barriers and that defendants are provided reasonable assistance with completing forms at the same time as magistration.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 689 amends the Code of Criminal Procedure to require a magistrate conducting an initial appearance proceeding for an arrested person to take the following actions:

- ensure that the arrested person is able to connect to and understand the image and sound of a proceeding conducted through videoconference;
- with respect to an arrested person the magistrate is unable to ensure is able to understand and participate in the proceeding:
 - appoint counsel for the person if the magistrate has appointing authority; or
 - notify the appointing authority for the arrested person of the inability to understand and participate in the proceeding; and
- with respect to an arrested person the magistrate has reasonable cause to believe has a mental illness or is a person with an intellectual disability, follow certain early identification procedures.

C.S.H.B. 689 extends the period for which a record of communications between an arrested person and a magistrate must be preserved to at least three years after final judgment is entered in the case or the proceedings are otherwise terminated and subjects a record of communications between an arrested person for an out-of-county offense and a magistrate to the same record preservation requirement.

EFFECTIVE DATE

September 1, 2021.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 689 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute changes the period for which a record of communications between an arrested person and a magistrate must be preserved and includes a requirement that a record of communications between an arrested person for an out-of-county offense and a magistrate be preserved for a certain period.