87R126 LHC-D

By:  Wu H.B. No. 489

A BILL TO BE ENTITLED

AN ACT

relating to providing certain information to criminal defendants before a plea is entered or before the defendant elects to have punishment assessed by a jury.

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

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

(j)  Before accepting a plea of guilty or a plea of nolo contendere for an offense punishable as a felony, the court shall admonish the defendant regarding:

(1)  the applicable provisions governing whether the judge or a jury will assess punishment in the case;

(2)  the range of punishments the judge or jury is authorized to consider; and

(3)  the effect of judge or jury sentencing on the eligibility of the defendant for:

(A)  judge-ordered community supervision under Article 42A.053;

(B)  jury-recommended community supervision under Article 42A.055; and

(C)  deferred adjudication community supervision under Subchapter C, Chapter 42A.

SECTION 2.  Chapter 28, Code of Criminal Procedure, is amended by adding Article 28.15 to read as follows:

Art. 28.15.  JURY SENTENCING. Before a defendant who is charged with an offense punishable as a felony files a sworn motion for community supervision as provided by Article 42A.055(b) or elects in writing to have punishment assessed by a jury, the court shall admonish the defendant regarding:

(1)  the range of punishments the judge or jury is authorized to consider; and

(2)  the effect of judge or jury sentencing on the eligibility of the defendant for:

(A)  judge-ordered community supervision under Article 42A.053;

(B)  jury-recommended community supervision under Article 42A.055; and

(C)  deferred adjudication community supervision under Subchapter C, Chapter 42A.

SECTION 3.  The changes in law made by this Act apply to a plea of guilty or nolo contendere entered or a motion or election for a jury to assess punishment made on or after the effective date of this Act, regardless of whether the offense with reference to which the plea is entered or motion or election is made is committed before, on, or after that date.

SECTION 4.  This Act takes effect September 1, 2021.