

By: Guillen

H.B. No. 3988

Substitute the following for H.B. No. 3988:

By: Crockett

C.S.H.B. No. 3988

A BILL TO BE ENTITLED

AN ACT

relating to the procedures governing the prosecution of misdemeanor offenses in the jurisdiction of the justice and municipal courts.

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

SECTION 1. Article 45.031, Code of Criminal Procedure, is amended to read as follows:

Art. 45.031. COUNSEL FOR STATE NOT PRESENT. (a) If the state is not represented by counsel when the case is called for trial, the justice or judge may:

(1) postpone the trial to a date certain;

(2) appoint any competent attorney as an attorney pro tem [as provided by this code] to represent the state, notwithstanding Article 2.07; or

(3) proceed to trial.

(b) An attorney appointed under Subsection (a) is qualified to perform the duties of the office of the attorney representing the state and may be paid a reasonable fee for performing those duties.

SECTION 2. The heading to Article 45.0445, Code of Criminal Procedure, is amended to read as follows:

Art. 45.0445. RECONSIDERATION OF SATISFACTION OF FINE OR COSTS.

SECTION 3. Article 66.252, Code of Criminal Procedure, is amended by adding Subsection (b-1) to read as follows:

(b-1) At any time before final disposition of the case, the

1 justice or judge of a court having jurisdiction of the case of a  
2 misdemeanor described by Subsection (b)(3) may order a law  
3 enforcement officer to use the uniform incident fingerprint card to  
4 take the fingerprints of an offender who is charged with the  
5 misdemeanor, but was not placed under custodial arrest at the time  
6 of the offense.

7         SECTION 4. The change in law made by this Act applies only  
8 to a misdemeanor case that is initially filed in a justice or  
9 municipal court on or after the effective date of this Act,  
10 regardless of whether the offense for which the case is filed  
11 occurred before, on, or after the effective date of this Act.

12         SECTION 5. This Act takes effect September 1, 2021.