

By: Guillen

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 on filing an oath with the clerk of the court and may be paid a reasonable fee for performing those duties.

SECTION 2. Article 45.031, Code of Criminal Procedure, as amended by this Act, applies only to a trial that begins on or after the effective date of this Act, regardless of whether the alleged offense was committed before, on, or after that date.

SECTION 3. This Act takes effect September 1, 2021.