

1-1 By: Huffman S.B. No. 415
 1-2 (In the Senate - Filed January 23, 2019; February 14, 2019,
 1-3 read first time and referred to Committee on State Affairs;
 1-4 March 6, 2019, reported favorably by the following vote: Yeas 9,
 1-5 Nays 0; March 6, 2019, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			

1-17 A BILL TO BE ENTITLED
 1-18 AN ACT

1-19 relating to the entry of a plea by defendants charged with certain
 1-20 misdemeanors involving family violence.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-22 SECTION 1. Article 27.14(b), Code of Criminal Procedure, is
 1-23 amended to read as follows:

1-24 (b) A defendant charged with a misdemeanor for which the
 1-25 maximum possible punishment is by fine only may, in lieu of the
 1-26 method provided in Subsection (a), mail or deliver in person to the
 1-27 court a plea of "guilty" or a plea of "nolo contendere" and a waiver
 1-28 of jury trial. The defendant may also request in writing that the
 1-29 court notify the defendant, at the address stated in the request, of
 1-30 the amount of an appeal bond that the court will approve. If the
 1-31 court receives a plea and waiver before the time the defendant is
 1-32 scheduled to appear in court, the court shall dispose of the case
 1-33 without requiring a court appearance by the defendant. If the court
 1-34 receives a plea and waiver after the time the defendant is scheduled
 1-35 to appear in court but at least five business days before a
 1-36 scheduled trial date, the court shall dispose of the case without
 1-37 requiring a court appearance by the defendant. The court shall
 1-38 notify the defendant either in person or by regular mail of the
 1-39 amount of any fine or costs assessed in the case, information
 1-40 regarding the alternatives to the full payment of any fine or costs
 1-41 assessed against the defendant, if the defendant is unable to pay
 1-42 that amount, and, if requested by the defendant, the amount of an
 1-43 appeal bond that the court will approve. Except as otherwise
 1-44 provided by this code, the defendant shall pay any fine or costs
 1-45 assessed or give an appeal bond in the amount stated in the notice
 1-46 before the 31st day after receiving the notice. This subsection
 1-47 does not apply to a defendant charged with a misdemeanor involving
 1-48 family violence, as defined by Section 71.004, Family Code.

1-49 SECTION 2. Article 27.14(e)(2), Code of Criminal Procedure,
 1-50 is amended to read as follows:

1-51 (2) The court may provide the admonishment under
 1-52 Subdivision (1) orally or in writing[, ~~except that if the defendant~~
 1-53 ~~is charged with a misdemeanor punishable by fine only, the~~
 1-54 ~~statement printed on a citation issued under Article 14.06(b) may~~
 1-55 ~~serve as the court admonishment required by this subsection].~~

1-56 SECTION 3. Subchapter B, Chapter 45, Code of Criminal
 1-57 Procedure, is amended by adding Article 45.0211 to read as follows:

1-58 Art. 45.0211. PLEA BY DEFENDANT CHARGED WITH FAMILY
 1-59 VIOLENCE OFFENSE. (a) In this article, "family violence" has the
 1-60 meaning assigned by Section 71.004, Family Code.

1-61 (b) If a defendant is charged with an offense involving

2-1 family violence, the judge or justice must take the defendant's
2-2 plea in open court.

2-3 SECTION 4. The change in law made by this Act applies only
2-4 to the entry of a plea with respect to an offense committed on or
2-5 after the effective date of this Act. The entry of a plea with
2-6 respect to an offense committed before the effective date of this
2-7 Act is governed by the law in effect on the date the offense was
2-8 committed, and the former law is continued in effect for that
2-9 purpose. For purposes of this section, an offense was committed
2-10 before the effective date of this Act if any element of the offense
2-11 occurred before that date.

2-12 SECTION 5. This Act takes effect September 1, 2019.

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