

BILL ANALYSIS

H.B. 1996
By: Leman
Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

It has been suggested that some defendants do not fully understand the court's admonitions given at the time of arraignment before the court accepts a plea of guilty or nolo contendere. Without proper advice or understanding of the repercussions of the plea, a defendant may make an ill-informed plea choice. For instance, such a plea for a non-U.S.-citizen could result in deportation, the exclusion from admission to the United States, or the denial of naturalization under federal law. H.B. 1996 seeks to ensure that the admonition relating to citizenship is made both orally and in writing and that the defendant and the defendant's attorney acknowledge the defendant's awareness of the consequences of the plea.

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

H.B. 1996 amends the Code of Criminal Procedure to require a court to make the admonition required to be given to a defendant before accepting a plea of guilty or nolo contendere that, if the defendant is not a U.S. citizen, such a plea may result in deportation, the exclusion from admission to this country, or the denial of naturalization under federal law both orally and in writing. The bill requires the court to receive a statement signed by the defendant and the defendant's attorney that the defendant understands the admonition and is aware of the plea's consequences unless the court has already received such a statement with regard to all of the required admonitions. The bill requires the court, if the defendant is unable or refuses to sign the statement regarding the admonition relating to citizenship, to make a record of that fact.

EFFECTIVE DATE

September 1, 2019.