

BILL ANALYSIS

S.B. 815
By: Rodríguez
Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

There are concerns that recent legislative changes have introduced some confusion relating to how long a record of a magistrate's notice to a defendant of the right to request appointment of counsel and of a defendant's response must be preserved. This confusion is problematic because the forms used by the magistrate contain the information used by the Texas Indigent Defense Commission policy to monitor whether magistrates are advising defendants of the right to counsel and whether and when defendants request counsel. S.B. 815 seeks to address these concerns by requiring these records to be retained in compliance with the applicable local government records retention schedule of the Texas State Library and Archives Commission.

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

S.B. 815 amends the Code of Criminal Procedure to change the preservation requirement applicable to a record of communication between a magistrate and a person arrested under warrant and taken before the magistrate from preservation for certain optional time periods based on level of offense to retention in compliance with the applicable local government records retention schedule prepared by the director and librarian of the Texas State Library and Archives Commission. The bill requires a record of communication between a magistrate and a person arrested under warrant for an out-of-county offense and taken before a magistrate to be retained in compliance with that same type of schedule.

EFFECTIVE DATE

September 1, 2019.