

BILL ANALYSIS

Senate Research Center

C.S.H.B. 515
By: Dunnam (Sibley)
Jurisprudence
4-29-97
Committee Report (Substituted)

DIGEST

Currently, Article 1.13(c), Code of Criminal Procedure, states that an attorney must be appointed for an individual to waive a jury trial. Some judges are following the provision, as written, and appointing attorneys in non-indigent cases for what would have otherwise been pro-se defendants. Such districts pay for the attorneys to be appointed for the limited service of waiving a jury trial. Some judges are not following the literal wording of the provision by not appointing attorneys to waive the jury trial. The convictions in these districts may be void due to the way the provision is currently stated. This bill would amend Article 1.13, Code of Criminal Procedure, to authorize a defendant to agree to waive a jury trial regardless of whether the defendant is represented by an attorney at the time of making the waiver, but before a defendant charged with a felony who has no attorney can agree to waive the jury, the court must appoint an attorney to represent the defendant.

PURPOSE

As proposed, C.S.H.B. 515 authorizes a defendant to agree to waive a jury trial regardless of whether the defendant is represented by an attorney at the time of making the waiver, but before a defendant charged with a felony who has no attorney can agree to waive the jury, the court must appoint an attorney to represent the defendant.

RULEMAKING AUTHORITY

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Article 1.13(c), Code of Criminal Procedure, to authorize a defendant to agree to waive a jury trial regardless of whether the defendant is represented by an attorney at the time of making the waiver, but before a defendant charged with a felony who has no attorney can agree to waive the jury, the court must appoint an attorney to represent the defendant.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 1997.

SECTION 4. Emergency clause.

SUMMARY OF COMMITTEE CHANGES

SECTION 1.

Omits proposed changes to Article 1.13(a), Code of Criminal Procedure. Redesignates subsequent sections accordingly.