

BILL ANALYSIS

Senate Research Center

S.B. 121
By: Bivins
Criminal Justice
1-27-97
As Filed

DIGEST

Currently, defendants charged with misdemeanors or felonies which are punishable by imprisonment must be present in open court to enter a plea or waive their rights. This statutory requirement is burdensome on counties which must use limited resources and manpower to transport and supervise a defendant for this purpose. S.B. 121 allows a court the option of hearing pleas or waivers of rights in criminal cases by means of closed circuit television, if agreed to by the defendant, in order to reduce security, liability, and manpower concerns.

PURPOSE

As proposed, S.B. 121 authorizes a court to accept a plea or a waiver of a defendant's right by closed circuit television broadcast.

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 Chapter 27, Code of Criminal Procedure, by adding Section 27.18, as follows:

Sec. 27.18. PLEA OR WAIVER OF RIGHTS BY CLOSED CIRCUIT TELEVISION. Authorizes a court to accept a plea or a waiver of a defendant's right by closed circuit television broadcast, notwithstanding any provision of this code requiring that a plea or a waiver of a defendant's right be made in open court, if the defendant and the attorney representing the state file with the court written consent to the use of closed circuit television; if the closed circuit television system provides for a communication of image and sound between the judge, the attorney representing the state, the defendant, and the defendant's attorney; and if on request of the defendant, the defendant and the defendant's attorney are able to communicate privately without being recorded or heard by the judge or the attorney representing the state. Authorizes the court, on motion of the defendant or the attorney representing the state or in the court's discretion, to terminate an appearance by closed circuit television at any time and require an appearance by the defendant in open court. Requires a written transcript of the communication between the defendant and the court to be made and filed with the records in the cause. Requires a recording of the communication to be made and preserved until the 120th day after the recording date. Authorizes the defendant to obtain a copy of the recording on payment of a reasonable amount to cover the costs of reproduction.

SECTION 2. Emergency clause.
Effective date: upon passage.