

BILL ANALYSIS

Senate Research Center
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S.B. 219
By: Armbrister
Criminal Justice
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As Filed

DIGEST AND PURPOSE

Under current Texas law, a defendant being tried for a misdemeanor in justice court must be tried in the county in which the alleged offense was committed. In some cases defendants are arrested and jailed for an outstanding warrant for a misdemeanor in a county other than the county from which the warrant was issued presenting certain undue and unnecessary hindrances to the efficient execution of justice in these circumstances. As proposed, S.B. 219 requires a magistrate of the county where an arrest takes place, under certain conditions, to accept a written plea of guilty or nolo contendere and provides further provisions for the trial to be carried out in the county where the arrest takes place.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Article 4.12, Code of Criminal Procedure, by adding Subsection (d), to authorize a defendant who is taken before a magistrate in accordance with Article 15.18 to waive trial by jury and enter a written plea of guilty or nolo contendere.

SECTION 2. Amends Article 15.18, Code of Criminal Procedure, as follows:

(a) Requires a person arrested under a warrant issued in a county other than the one in which the person is arrested to be taken before a magistrate of the county where the arrest takes place. Requires the magistrate of the county where the arrest takes place, in a case of a person arrested under warrant for an offense punishable by fine only, to accept a written plea of guilty or nolo contendere, set a fine, determine costs, accept payment of the fine and costs, give credit for the time served, determine indigency, or, on satisfaction of the judgement, discharge the defendant, as the case may indicate. Makes nonsubstantive changes.

(b) Requires the magistrate, before the 11th business day after the date a magistrate accepts a written plea of guilty or nolo contendere in a case under Subsection (a)(2), to transmit to the court having jurisdiction of the offense the written plea, any orders entered in the case, and any fine or costs collected in the case.

SECTION 3. Effective date: September 1, 2001.