

BILL ANALYSIS

Senate Research Center

S.B. 867
By: Wentworth
Criminal Justice
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As Filed

DIGEST AND PURPOSE

Article 33.04, Code of Criminal Procedure, states that in certain misdemeanor cases, those not subject to potential jail time, the defendant may appear by counsel with the state's consent. As proposed, S.B. 867 authorizes a defendant to appear by counsel in certain misdemeanor cases if the defendant's counsel stipulates to the identity of the defendant.

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 33.04, Code of Criminal Procedure, to authorize the defendant to appear by counsel and for the trial to proceed without the defendant's personal presence if the defendant's counsel stipulates to the identity of the defendant in misdemeanor cases other than cases described by Article 33.03. Deletes the requirement relating to consent by the state's attorney.

SECTION 2. (a) Effective date: September 1, 2003.

(b) Makes application of this Act prospective.