

BILL ANALYSIS

Senate Research Center
81R22624 SJM-F

H.B. 1544
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Criminal Justice
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Currently, it is necessary to expedite dockets in courts that hear misdemeanor cases by instituting the "mail box rule," which allows a defendant to have a misdemeanor case disposed of without having to physically appear in court. At any point until the trial on the merits of the case commences, a defendant can decide to plead, or change his or her original pleading to guilty or nolo contendere and waive the right to a jury trial. The defendant can do so in person or by mail as long as the postmark on the envelope is dated before the date on which the trial commences.

H.B. 1544 requires the court, if the court receives a plea and waiver after the time the defendant is scheduled to appear in court but at least five business days before a scheduled trial date, to dispose of the case without requiring a court appearance by 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 27.14(b), Code of Criminal Procedure, to require the court, if the court receives a plea and waiver after the time the defendant is scheduled to appear in court but at least five business days before a scheduled trial date, to dispose of the case without requiring a court appearance by the defendant.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2009.