

## **BILL ANALYSIS**

Senate Research Center  
85R1641 MK-D

H.B. 678  
By: Wu (Miles)  
Criminal Justice  
5/5/2017  
Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Currently, associate judges are not able to handle any aspect of determinate sentence pleas. Associate judges assist elected judges in managing caseloads and helping to expedite hearings.

H.B. 678 allows for associate judges to take determinate pleas and would make the courts run more efficiently. The sentencing phase of the plea would still be performed by the elected district court judge.

H.B. 678 amends current law relating to the procedure for the entering of a plea or a stipulation of evidence by a child subject to a determinate sentence.

### **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 Section 54.10, Family Code, by amending Subsection (e) and adding Subsection (f), as follows:

(e) Creates an exception to the prohibition on holding a hearing before a referee as provided by Subsection (f).

(f) Authorizes a referee or associate judge, when the state and a child who is subject to a determinate sentence agree to the disposition of the case, wholly or partly, to hold a hearing for the purpose of allowing the child to enter a plea or stipulation of evidence. Requires the referee or associate judge, after the hearing under this subsection, to transmit the referee's or associate judge's written findings and recommendations regarding the plea or stipulation of evidence to the juvenile court judge for consideration. Authorizes the juvenile court judge to accept or reject the plea or stipulation of evidence in accordance with Section 54.03(j) (relating to certain required actions when the state and the child agree to the disposition of certain cases).

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2017.