

## **BILL ANALYSIS**

Senate Research Center  
86R1057 JCG-D

H.B. 51  
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Criminal Justice  
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Engrossed

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

Each county produces unique forms that are used by their courts in criminal actions. This creates confusion for attorneys who practice in multiple counties.

H.B. 51 would require that the Office of Court Administration create and promulgate nine forms to be used by all counties. These include standard forms necessary for pleading guilty or no contest; certifying a defendant's right to appeal; waiving a defendant's right to discovery; acknowledging the disclosure, receipt, and list of all evidence provided to a defendant in discovery; documenting a prosecutor's recommendation for punishment as part of a plea deal; and waiving a defendant's right to an order of nondisclosure of criminal history record information. These standardized forms would not only decrease confusion but also improve the expeditious operation of courts.

H.B. 51 amends current law relating to the creation and promulgation of certain standard forms for statewide use in criminal actions.

### **RULEMAKING AUTHORITY**

Rulemaking authority is expressly granted to the Supreme Court of Texas in SECTION 1 (Section 72.0245, Government Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Subchapter C, Chapter 72, Government Code, by adding Section 72.0245, as follows:

Sec. 72.0245. STANDARD FORMS IN CRIMINAL ACTIONS. (a) Requires the Office of Court Administration of the Texas Judicial System (OCA) to create and promulgate for use in criminal actions by the courts standard forms for:

(1) waiving a jury trial and entering a plea of guilty or nolo contendere in a felony case under Article 1.15 (Jury in Felony), Code of Criminal Procedure, including for:

(A) the waiver of appearance, confrontation, and cross-examination of witnesses;

(B) the defendant's consent to an oral stipulation of evidence and testimony; and

(C) the introduction of any documentary evidence;

(2) waiving a jury trial and entering a plea of guilty or nolo contendere in a misdemeanor case under Article 27.14 (Plea of Guilty or Nolo Contendere in Misdemeanor), Code of Criminal Procedure;

(3) a trial court to admonish a defendant under Article 26.13 (Plea of Guilty), Code of Criminal Procedure, and, if applicable, Article 27.14(e)

(relating to requiring a court to admonish a defendant with a certain statement before accepting a plea of guilty), Code of Criminal Procedure, before accepting the defendant's plea of guilty or nolo contendere;

(4) a defendant who receives admonitions in writing under Article 26.13, Code of Criminal Procedure, to acknowledge that the defendant understands the admonitions and is aware of the consequences of the defendant's plea;

(5) a trial court to enter into the record the court's certification of a defendant's right to appeal under Rule 25.2(a)(2) (relating to the rights to appeal of the defendant), Texas Rules of Appellate Procedure;

(6) waiving the defendant's right to discovery under Article 39.14 (Discovery), Code of Criminal Procedure;

(7) acknowledging the disclosure, receipt, and list of all evidence provided to the defendant under Article 39.14, Code of Criminal Procedure, as required by Subsection (j) (relating to requiring parties to make a certain acknowledgement) of that article;

(8) documenting the punishment that the prosecutor recommends as part of a plea bargain agreement, including a defendant's consent to waiving certain appeal rights under Rule 25.2(a)(2), Texas Rules of Appellate Procedure, if the punishment assessed by the court does not exceed the punishment recommended by the prosecutor and agreed to by the defendant; and

(9) waiving a defendant's right to an expunction or to an order of nondisclosure of criminal history record information.

(b) Requires OCA to update the forms as necessary.

(c) Requires the Supreme Court of Texas by rule to set the date by which all courts with jurisdiction over criminal actions are required to adopt and use the forms created under Subsection (a), and if updated, the date by which those courts are required to adopt and use a form updated under Subsection (b).

(d) Requires a court to accept a form promulgated by OCA under this section unless the form has been completed in a manner that causes a substantive defect that cannot be cured.

SECTION 2. Requires OCA, not later than September 1, 2020, to create and promulgate the forms required by Section 72.0245, Government Code, as added by this Act.

SECTION 3. Effective date: September 1, 2019.