

## **BILL ANALYSIS**

Senate Research Center  
86R5244 AJZ-D

S.B. 415  
By: Huffman  
State Affairs  
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As Filed

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

Currently, an individual who pleads guilty to certain family violence misdemeanors may do so through the mail. As such, the misdemeanant does not receive an in-person admonishment in open court. Thus, offenders may not fully comprehend the severity of being charged with a family violence offense. S.B. 415 seeks to address this issue by requiring individuals who plead guilty to such a crime to plead in open court and receive the necessary admonishments directly from a judge.

As proposed, S.B. 415 amends current law relating to the entry of a plea by defendants charged with certain misdemeanors involving family violence.

### **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 add that this subsection does not apply to a defendant charged with a misdemeanor involving family violence, as defined by Section 71.004 (Family Violence), Family Code.

SECTION 2. Amends Article 27.14(e)(2), Code of Criminal Procedure, to delete existing text authorizing the statement printed on a citation issued under Article 14.06(b) (relating to a peace officer's authority to issue a citation with certain information for a Class C misdemeanor) to serve as the court admonishment required by this subsection if the defendant is charged with a misdemeanor punishable by fine only.

SECTION 3. Amends Subchapter B, Chapter 45, Code of Criminal Procedure, by adding Article 45.0211, as follows:

Art. 45.0211. PLEA BY DEFENDANT CHARGED WITH FAMILY VIOLENCE OFFENSE. (a) Defines "family violence."

(b) Requires the judge or justice to take the defendant's plea in open court if a defendant is charged with an offense involving family violence.

SECTION 4. Makes application of this Act prospective.

SECTION 5. Effective date: September 1, 2019.