

AN ACT

relating to the creation and promulgation of certain standard forms for statewide use in criminal actions.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter C, Chapter 72, Government Code, is amended by adding Section 72.0245 to read as follows:

Sec. 72.0245. STANDARD FORMS IN CRIMINAL ACTIONS. (a) The office shall 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, 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, Code of Criminal Procedure;

(3) a trial court to admonish a defendant under Article 26.13, Code of Criminal Procedure, and, if applicable, Article 27.14(e), 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), Texas Rules of Appellate Procedure;

(6) waiving the defendant's right to discovery under Article 39.14, 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) 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) The office shall update the forms as necessary.

(c) The supreme court by rule shall set the date by which all courts with jurisdiction over criminal actions must adopt and use the forms created under Subsection (a), and if updated, the date by which those courts must adopt and use a form updated under Subsection (b).

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

SECTION 2. Not later than September 1, 2020, the Office of Court Administration of the Texas Judicial System shall create and promulgate the forms required by Section 72.0245, Government Code, as added by this Act.

SECTION 3. This Act takes effect September 1, 2019.

President of the Senate

Speaker of the House

I certify that H.B. No. 51 was passed by the House on April 12, 2019, by the following vote: Yeas 144, Nays 0, 1 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 51 was passed by the Senate on May 21, 2019, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____
Date

Governor