

AN ACT

relating to certain procedures applicable to certain offenses involving family violence.

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

SECTION 1. Article 27.14(b), Code of Criminal Procedure, is amended to read as follows:

(b) A defendant charged with a misdemeanor for which the maximum possible punishment is by fine only may, in lieu of the method provided in Subsection (a), mail or deliver in person to the court a plea of "guilty" or a plea of "nolo contendere" and a waiver of jury trial. The defendant may also request in writing that the court notify the defendant, at the address stated in the request, of the amount of an appeal bond that the court will approve. If the court receives a plea and waiver before the time the defendant is scheduled to appear in court, the court shall dispose of the case without requiring a court appearance by the defendant. 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, the court shall dispose of the case without requiring a court appearance by the defendant. The court shall notify the defendant either in person or by regular mail of the amount of any fine or costs assessed in the case, information regarding the alternatives to the full payment of any fine or costs assessed against the defendant, if the defendant is unable to pay that amount, and, if requested by the defendant, the amount of an appeal bond that the court will approve. Except as otherwise provided by this code, the defendant shall pay any fine or costs assessed or give an appeal bond in the amount stated in the notice before the 31st day after receiving the notice. This subsection does not apply to a defendant charged with a misdemeanor involving family violence, as defined by Section 71.004, Family Code.

SECTION 2. Article 27.14(e)(2), Code of Criminal Procedure, is amended to read as follows:

(2) The court may provide the admonishment under Subdivision (1) orally or in writing[, ~~except that if the defendant is charged with a misdemeanor punishable by fine only, the statement printed on a citation issued under Article 14.06(b) may serve as the court admonishment required by this subsection~~].

SECTION 3. Subchapter B, Chapter 45, Code of Criminal Procedure, is amended by adding Article 45.0211 to read as follows:

Art. 45.0211. PLEA BY DEFENDANT CHARGED WITH FAMILY VIOLENCE OFFENSE. (a) In this article, "family violence" has the meaning assigned by Section 71.004, Family Code.

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

SECTION 4. Article 66.102(f), Code of Criminal Procedure, is amended to read as follows:

(f) Information in the computerized criminal history system relating to sentencing must include for each sentence:

- (1) the sentencing date;
- (2) the sentence for each offense, by offense code and incident number;
- (3) if the offender was sentenced to confinement:
 - (A) the agency that receives custody of the offender;
 - (B) the length of the sentence for each offense;

and

(C) if multiple sentences were ordered, whether the sentences were ordered to be served consecutively or concurrently;

(4) if the offender was sentenced to pay a fine, the amount of the fine;

(5) if a sentence to pay a fine or to confinement was ordered but was deferred, probated, suspended, or otherwise not imposed:

(A) the length of the sentence or the amount of the fine that was deferred, probated, suspended, or otherwise not imposed; and

(B) the offender's name, offense code, and incident number; ~~and~~

(6) if a sentence other than a fine or confinement was ordered, a description of the sentence ordered; and

(7) whether the judgment imposing the sentence reflects an affirmative finding entered under Article 42.013 (Finding of Family Violence).

SECTION 5. Article 66.252, Code of Criminal Procedure, is amended by amending Subsection (b) and adding Subsection (g) to read as follows:

(b) The arresting law enforcement agency shall prepare a uniform incident fingerprint card described by Article 66.251 and initiate the reporting process for each offender charged with:

(1) a felony;

(2) ~~or~~ a misdemeanor for which a term of confinement may be imposed; or

(3) a misdemeanor punishable by fine only that involves family violence, as defined by Section 71.004, Family Code ~~[other than a misdemeanor punishable by fine only].~~

(g) On disposition of a case in which an offender is charged with a misdemeanor described by Subsection (b)(3), the clerk of the court exercising jurisdiction over the case shall report the applicable information regarding the person's citation or arrest and the disposition of the case to the Department of Public Safety using a uniform incident fingerprint card described by Article 66.251 or an electronic methodology approved by the Department of Public Safety.

SECTION 6.

Article 27.14, Code of Criminal Procedure, as amended by this Act, and Article 45.0211, Code of Criminal Procedure, as added by this Act, apply only to the entry of a plea with respect to an offense committed on or after the effective date of this Act. The entry of a plea with respect to an offense committed before the effective date of this Act is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

SECTION 7. The change in law made by this Act applies only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is covered by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

SECTION 8. This Act takes effect September 1, 2019.

President of the Senate

Speaker of the House

I certify that H.B. No. 1528 was passed by the House on May 1,

2019, by the following vote: Yeas 100, Nays 46, 2 present, not voting; and that the House concurred in Senate amendments to H.B. No. 1528 on May 22, 2019, by the following vote: Yeas 102, Nays 39, 2 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 1528 was passed by the Senate, with amendments, on May 15, 2019, by the following vote: Yeas 30, Nays 1.

Secretary of the Senate

APPROVED: _____
Date

Governor