

BILL ANALYSIS

Senate Research Center

H.B. 2130
By: Carter (Nixon)
Jurisprudence
5/14/1999
Engrossed

DIGEST

Misdemeanor cases can be a problem when the arrest is made in a county other than the county where the offense was committed. Transportation costs may exceed the fines collected for the offense. H.B. 2130 allows misdemeanor cases to be handled by the justice of the peace in the county where the arrest is made where the defendant pleads guilty or nolo contendere.

PURPOSE

As proposed, H.B. 2130 sets forth requirements for the disposition of out-of-county crimes.

RULEMAKING AUTHORITY

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Article 4.12, Code of Criminal Procedure, to set forth a condition if all justices of the peace in the precinct are disqualified. Authorizes a defendant who is taken before a magistrate in accordance with Article 15.18, to waive a jury trial and enter a plea of guilty or nolo contendere. Authorizes the magistrate taking the plea to set a fine, give credit for time served, determine indigence, and discharge the defendant, as the case may indicate. Makes conforming and nonsubstantive changes.

SECTION 2. Amends Article 15.18, Code of Criminal Procedure, to make conforming and nonsubstantive changes.

SECTION 3. Effective date: September 1, 1999.

SECTION 4. Emergency clause.