

## **BILL ANALYSIS**

Senate Research Center  
77R3172 GWK-D

H.B. 840  
By: Hinojosa (West, Royce)  
Jurisprudence  
5/8/2001  
Engrossed

### **DIGEST AND PURPOSE**

Current law requires the presence of the defendant for the presentation of a waiver of arraignment. Many other states make an exception to this requirement in the arraignment process in certain cases because it could place an unnecessary burden on those involved in the arraignment process. H.B. 840 authorizes an attorney representing a defendant to present a waiver of arraignment to the clerk of the court without requiring the presence of the defendant as a condition of accepting the waiver.

### **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 Chapter 26, Code of Criminal Procedure, by adding Article 26.011, as follows:

Art. 26.011. WAIVER OF ARRAIGNMENT. Authorizes an attorney representing a defendant to present a waiver of arraignment, and prohibits the clerk of the court from requiring the presence of the defendant as a condition of accepting the waiver.

SECTION 2. Effective date: upon passage or September 1, 2001.