

BILL ANALYSIS

Senate Research Center
85R6634 JCG-F

H.B. 1266
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Criminal Justice
5/18/2017
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Interested parties contend that it is problematic when a trial court sets certain pre-trial motions without providing notice to either the state or the defense as this leaves little time for witnesses to be contacted and for attorneys to prepare before being called into a hearing. H.B. 1266 remedies this problem by providing notice to the parties in the case to ensure that all parties are able to properly prepare.

H.B. 1266 amends current law relating to notice for hearings and trial settings in criminal cases.

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 29, Code of Criminal Procedure, by adding Article 29.035, as follows:

Art. 29.035. FOR INSUFFICIENT NOTICE OF HEARING OR TRIAL. (a) Requires a trial court, notwithstanding Article 28.01 (Pre-Trial) or any other provision of this chapter, and except as otherwise provided by this article, to grant a continuance of a criminal action on oral or written motion of the state or the defendant if the trial court sets a hearing or trial without providing to the attorney for the state and the defendant, or the defendant's attorney, notice of the hearing or trial at least three business days before the date of the hearing or trial.

(b) Provides that this article does not apply during the period between the date the trial begins and the date the judgment is entered.

SECTION 2. Provides that Article 29.035, Code of Criminal Procedure, as added by this Act, applies to a criminal action pending before a trial court on or after the effective date of this Act, regardless of whether the offense that is the subject of the action was committed before, on, or after the effective date of this Act.

SECTION 3. Effective date: September 1, 2017.