

# **CRIMINAL PROCEDURE AND COSTS**



# **HB 0570 Service of Magistrate's Order of Emergency Protection**

**Effective: 6-14-2013**

**CP 17.292**

- **Removes requirement for service on defendant in open court**
- **Allows defendant to be served in person or electronically**

**Magistrate must make a separate record of the service in written or electronic form**

**SB 0367 Personal property taken on arrest of defendant  
charged with Class C misdemeanor**

**Effective: 5-18-2013**

**CP 18.17**

**Applies to property taken on or after 5-18-2013**

**Law enforcement agency must provide notice on arrest for  
Class C misdemeanor, at time of arrest or release:**

- **Describe property held**
- **Give address where property is held**
- **Warn that if property not claimed before 31<sup>st</sup> day after  
release from custody, property will be disposed and  
proceeds placed in treasury**

**Property not claimed is delivered to purchasing agent for  
sale or donation without further notice**

# **HB 2090 Written statements of accused**

**Effective: 9-1-2013**

**CP 38.22**

**Applies to statement made on or after 9-1-2013**

**Written statement of an accused is re-defined to mean:**

- **A statement made by accused in his own handwriting, or**
- **A statement made in a language the accused can read or understand that is signed by the accused (or marked by the accused and witnessed by a person other than a peace officer)**

# **SB 1611 Discovery in criminal cases**

**Effective: 1-1-2014**

**CP 39.14**

**Applies to prosecution of offense committed on or after 1-1-2014**

**State is required to produce and permit the inspection and electronic duplication, copying, and photographing of any discoverable material in the possession, custody, or control of the state or any person under contract with the state after request from defendant**

**State must disclose exculpatory, impeachment, or mitigating documents, items or information**

**Before accepting a plea of guilty or no contest, or before trial, each party must acknowledge in writing, or on the record, in open court, the disclosure, receipt, and list of all documents, items, and information provided to defendant**



# **HB 2679 Alternative plea for defendant in jail**

**Effective: 9-1-2013**

**CP 45.023**

**Justice of the Peace may permit defendant detained in jail before trial, to plead guilty or no contest**

**Just must provide statutory warnings and advise of right to jury trial**

**Judge may:**

- **Accept plea of guilty or no contest**
- **Assess fine and determine costs**
- **Give credit for time spent in jail**
- **Provide for satisfaction of judgment**
- **Discharge defendant**

**Judge must grant new trial if motion made not later than 10 days after judgment**

**SB 1419 Truancy Prevention and Diversion Fund**  
**Effective 9-1-2013**  
**CP 102.015**

**\*Imposition of cost takes effect 1-1-2014**

**\$2.00 court cost to be paid by a defendant convicted in justice court of an offense, other than an offense relating to a pedestrian or the parking of a motor vehicle**

**County may retain 50% of the funds to operate a juvenile case manager program**