

# **Procedural Law Changes Legislative Update 2009 81st Regular Legislature**

**Ryan Kellus Turner**

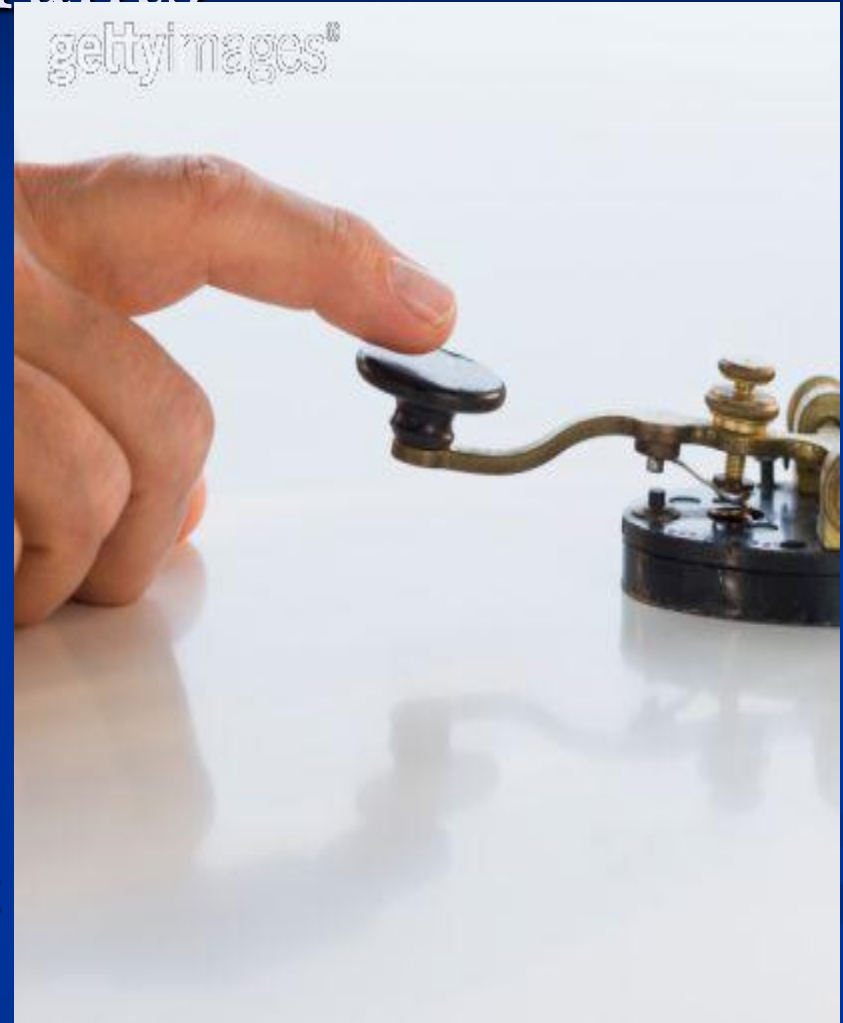
**General Counsel & Director of Education  
Texas Municipal Courts Education Center**

# Noteworthy Mid Priority Procedural Bills (P2s)

- H.B. 670: Journalist Privilege to Not Testify in Criminal Proceedings
- H.B. 1360: Application of the PIA to Information Disclosed to Defense by Prosecution
- H.B. 2002 : Expunction for the Deceased

# Transmittal of Complaints and Warrants

- *H.B. 1060*
  - Effective Date:  
September 1, 2009
  - Amends Article 15.08  
and 15.09, CCP
  - No Longer have to  
use Telegraph
  - “Complaint” is P.C.  
Affidavit, Not  
Charging Instrument  
in Ch. 45



# Contempt for Jurors

- H.B. 1665
  - Effective Date: September 1, 2009
  - Old Range: \$10-\$100
  - New Range: \$100-\$500
  - ATTENTION - Did NOT Amend Art. 45.027, CCP (Still Capped at \$100).
  - But DID Amend Sec. 62.111, GC ( Filing False Juror Exemption Claim)



# H.B. 1544: Guilty Pleas by Mail



- Effective Date: September 1, 2009
- Amends Art. 27.14 CCP
- Origin: Class C Defendant Wanting to “Plea Out” Forced to Appear after Not Mailing Plea in a Timely Manner
- Defendant May Plea Out by Mail Without Appearance as long as not within 5 Days of Trial
- No Effect on Prosecution of FTA or VPTA

# HB 3201: County Fire Marshals designated as Peace Officers

- Effective Date:  
Immediately
- Art. 2.12 of the CCP  
(Who are Peace  
Officers) Continues to  
Grow
- Adds one more  
Person who Can  
Write Citations under  
State Law



# H.B. 4464: Confidential Victim Information in Restitution Provision of a Judgment

- Effective : September 1, 2009
- Provides an Alternative to Redaction before Public Inspection
- Intended to Reduce Workload of the Clerks
- Amends Art. 42.01 CCP



# Appeal of Animal Cruelty Determinations





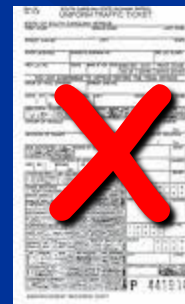
# S.B. 408: Effective September 1, 2009

## Section 11:

1. Allows a Determination of Animal Cruelty and Divestment of Ownership by a Municipal or Justice Court to be Appealed to a County Court;
2. Requires that the Municipal or Justice Court Provide a Transcript of the Court's Proceeding regarding the Divestment of Ownership to the County Court within 5 Days of Notice of an Appeal; and
3. Requires the County Court to Dispose of the Appeal within 10 Days of Receiving the Transcript

# Statute of Limitations in Class C Misdemeanors

- Subject: S.B. 410
- Effective Date: September 1, 2009
- Amends Article 12.02 CCP
- A complaint for any Class C misdemeanor may be presented within two years from the date of the commission of the offense, and not afterward.



Citation  
Complaint

<



vs.

# S.B. 413: Mandatory Filing of Complaints upon Non Appearance

- Effective Date: September 1, 2009
- Amends Art. 27.14 CCP
  - What Triggers Mandatory Filing of a Complaint?
    1. A Plea of Not Guilty (Already Law)  
OR
    2. Failure to Appear on the “Written Notice” (i.e. Citation) (New Law)
- How many of you already do this?

# Flashback: H.B. 3060 80<sup>th</sup> Legislature (2007)



# Flash-Forward

## S.B. 414: Commitment Hearings for Capias Pro Fine by Electronic Means

- Effective Date: September 1, 2009
- Amends Article 45.046, CCP
- For purposes of a hearing described by Subsection (a), a defendant may be brought before the court in person or by means of an electronic broadcast system through which an image of the defendant is presented to the court.
- “Electronic Broadcast System” means a two-way electronic communication of image and sound between the defendant and the court and includes secure Internet videoconferencing.

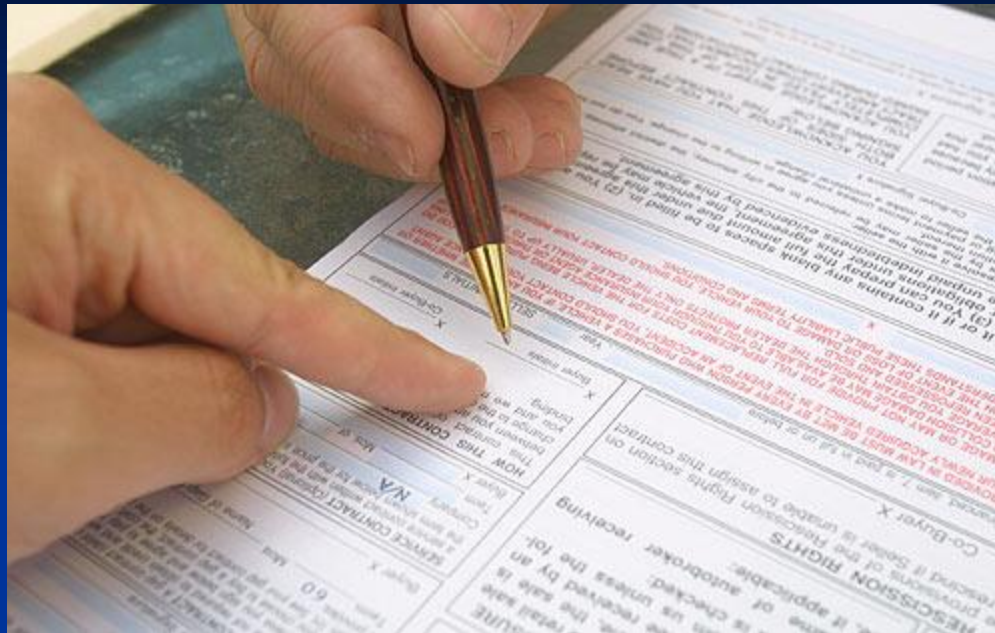
# S.B. 415: Magistrate Release Without Bail for Class C Misdemeanors and Order to Appear in Municipal or Justice Court.

- Effective Date: September 1, 2009
- Amends Art. 15.17, CCP
- Old Law: Magistrate Could Release Person Arrested for Class C **WITHOUT** Bond and Order Appearance in **“COUNTY COURT”** for Arraignment.
- New Law: “Applicable Justice or Municipal Court”



# What Are These Three Trying to Do?





They are all trying to read the fine print on your new citations.



# S.B. 1236: Domestic Violence Admonishment on Citations for Class C Assault

- Effective Date: September 1, 2009
- Amends Sec. 42.0131 CCP requires the court to notify a person convicted of a misdemeanor involving family violence that it is unlawful for the person to possess or transfer a firearm or ammunition.
- Amends Arts. 14.06 and 27.14 CCP to authorize federally mandated language on a citation to be issued to persons charged with committing a Class C misdemeanor assault (domestic violence) regarding the possible loss of their right to possess or purchase a firearm if they are convicted of

Thank You for Your  
Attention  
for Your Attention

