

AN ACT

1  
2 relating to the duties of a magistrate to inform an arrested person  
3 of consequences of a plea of guilty or nolo contendere.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

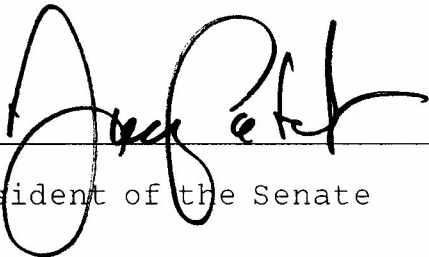
5 SECTION 1. Article 15.17(a), Code of Criminal Procedure, is  
6 amended to read as follows:

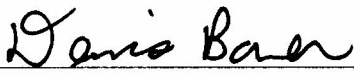
7 (a) In each case enumerated in this Code, the person making  
8 the arrest or the person having custody of the person arrested shall  
9 without unnecessary delay, but not later than 48 hours after the  
10 person is arrested, take the person arrested or have the person  
11 arrested [~~him~~] taken before some magistrate of the county where the  
12 person [~~accused~~] was arrested or, to provide more expeditiously to  
13 the person arrested the warnings described by this article, before  
14 a magistrate in any other county of this state. The person  
15 arrested [~~person~~] may be taken before the magistrate in person or  
16 the image of the person arrested [~~person~~] may be presented to the  
17 magistrate by means of a videoconference. The magistrate shall  
18 inform in clear language the person arrested, either in person or  
19 through a videoconference, of the accusation against the person  
20 [~~him~~] and [~~of~~] any affidavit filed therewith and of the person's  
21 rights [~~, of his right~~] to retain counsel, [~~of his right~~] to remain  
22 silent, [~~of his right~~] to have an attorney present during any  
23 interview with peace officers or attorneys representing the state,  
24 [~~of his right~~] to terminate the interview at any time, and [~~of his~~

1 ~~right]~~ to have an examining trial. The magistrate shall inform the  
2 person arrested that a plea of guilty or nolo contendere for the  
3 offense charged may affect the person's eligibility for enlistment  
4 or reenlistment in the United States armed forces or may result in  
5 the person's discharge from the United States armed forces if the  
6 person is a member of the armed forces. The magistrate shall also  
7 inform the person arrested of the person's right to request the  
8 appointment of counsel if the person cannot afford counsel. The  
9 magistrate shall inform the person arrested of the procedures for  
10 requesting appointment of counsel. If the person arrested does not  
11 speak and understand the English language or is deaf, the  
12 magistrate shall inform the person in a manner consistent with  
13 Articles 38.30 and 38.31, as appropriate. The magistrate shall  
14 ensure that reasonable assistance in completing the necessary forms  
15 for requesting appointment of counsel is provided to the person at  
16 the same time. If the person arrested is indigent and requests  
17 appointment of counsel and if the magistrate is authorized under  
18 Article 26.04 to appoint counsel for indigent defendants in the  
19 county, the magistrate shall appoint counsel in accordance with  
20 Article 1.051. If the magistrate is not authorized to appoint  
21 counsel, the magistrate shall without unnecessary delay, but not  
22 later than 24 hours after the person arrested requests appointment  
23 of counsel, transmit, or cause to be transmitted to the court or to  
24 the courts' designee authorized under Article 26.04 to appoint  
25 counsel in the county, the forms requesting the appointment of  
26 counsel. The magistrate shall also inform the person arrested that  
27 the person [~~he~~] is not required to make a statement and that any

1 statement made by the person [~~him~~] may be used against the person  
2 [~~him~~]. The magistrate shall allow the person arrested reasonable  
3 time and opportunity to consult counsel and shall, after  
4 determining whether the person is currently on bail for a separate  
5 criminal offense, admit the person arrested to bail if allowed by  
6 law. A record of the communication between the person arrested  
7 [~~person~~] and the magistrate shall be made. The record shall be  
8 preserved until the earlier of the following dates: (1) the date  
9 on which the pretrial hearing ends; or (2) the 91st day after the  
10 date on which the record is made if the person is charged with a  
11 misdemeanor or the 120th day after the date on which the record is  
12 made if the person is charged with a felony. For purposes of this  
13 subsection, "videoconference" means a two-way electronic  
14 communication of image and sound between the person arrested  
15 [~~person~~] and the magistrate and includes secure Internet  
16 videoconferencing.

17 SECTION 2. This Act takes effect September 1, 2019.

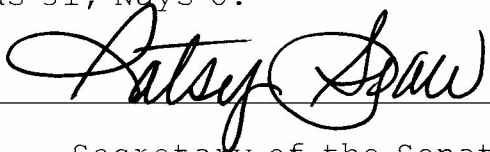
  
\_\_\_\_\_  
President of the Senate

  
\_\_\_\_\_  
Speaker of the House

I certify that H.B. No. 929 was passed by the House on April 12, 2019, by the following vote: Yeas 128, Nays 15, 1 present, not voting.

  
\_\_\_\_\_  
Chief Clerk of the House


I certify that H.B. No. 929 was passed by the Senate on May 15, 2019, by the following vote: Yeas 31, Nays 0.

  
\_\_\_\_\_  
Secretary of the Senate

APPROVED: \_\_\_\_\_  
Date

\_\_\_\_\_  
Governor

FILED IN THE OFFICE OF THE  
SECRETARY OF STATE  
4:45 pm O'CLOCK

  
\_\_\_\_\_  
Secretary of State

**PROCLAMATION**  
BY THE  
**Governor of the State of Texas**  
41-3640

TO ALL TO WHOM THESE PRESENTS SHALL COME:

Pursuant to Article IV, Section 14, of the Texas Constitution, I, Greg Abbott, Governor of Texas, do hereby disapprove of and veto House Bill No. 929 as passed by the Eighty-Sixth Texas Legislature, Regular Session, because of the following objections:

Under current law, a magistrate must inform an arrested person of important constitutional protections, such as the right to counsel. House Bill 929 would have added yet more recitations about non-constitutional matters, making these magistrations warnings less helpful to arrestees. Magistrations should focus arrestees on exercising their constitutional rights at the beginning of the criminal-justice process.

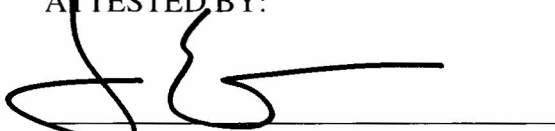
Since the Eighty-Sixth Texas Legislature, Regular Session, by its adjournment has prevented the return of this bill, I am filing these objections in the office of the Secretary of State and giving notice thereof by this public proclamation according to the aforementioned constitutional provision.



IN TESTIMONY WHEREOF, I have signed my name officially and caused the Seal of the State to be affixed hereto at Austin, this 15th day of June, 2019.

  
\_\_\_\_\_  
GREG ABBOTT  
Governor of Texas

ATTESTED BY:

  
\_\_\_\_\_  
JOE ESPARZA  
Deputy Secretary of State

FILED IN THE OFFICE OF THE  
SECRETARY OF STATE  
4:45pm O'CLOCK  
JUN 15 2019