

1 AN ACT
2 relating to the creation and promulgation of certain standard forms
3 for statewide use in criminal actions.

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

5 SECTION 1. Subchapter C, Chapter 72, Government Code, is
6 amended by adding Section 72.0245 to read as follows:

7 Sec. 72.0245. STANDARD FORMS IN CRIMINAL ACTIONS. (a) The
8 office shall create and promulgate for use in criminal actions by
9 the courts standard forms for:

10 (1) waiving a jury trial and entering a plea of guilty
11 or nolo contendere in a felony case under Article 1.15, Code of
12 Criminal Procedure, including for:

13 (A) the waiver of appearance, confrontation, and
14 cross-examination of witnesses;

15 (B) the defendant's consent to an oral
16 stipulation of evidence and testimony; and

17 (C) the introduction of any documentary
18 evidence;

19 (2) waiving a jury trial and entering a plea of guilty
20 or nolo contendere in a misdemeanor case under Article 27.14, Code
21 of Criminal Procedure;

22 (3) a trial court to admonish a defendant under
23 Article 26.13, Code of Criminal Procedure, and, if applicable,
24 Article 27.14(e), Code of Criminal Procedure, before accepting the

1 defendant's plea of guilty or nolo contendere;

2 (4) a defendant who receives admonitions in writing
3 under Article 26.13, Code of Criminal Procedure, to acknowledge
4 that the defendant understands the admonitions and is aware of the
5 consequences of the defendant's plea;

6 (5) a trial court to enter into the record the court's
7 certification of a defendant's right to appeal under Rule
8 25.2(a)(2), Texas Rules of Appellate Procedure;

9 (6) waiving the defendant's right to discovery under
10 Article 39.14, Code of Criminal Procedure;

11 (7) acknowledging the disclosure, receipt, and list of
12 all evidence provided to the defendant under Article 39.14, Code of
13 Criminal Procedure, as required by Subsection (j) of that article;

14 (8) documenting the punishment that the prosecutor
15 recommends as part of a plea bargain agreement, including a
16 defendant's consent to waiving certain appeal rights under Rule
17 25.2(a)(2), Texas Rules of Appellate Procedure, if the punishment
18 assessed by the court does not exceed the punishment recommended by
19 the prosecutor and agreed to by the defendant; and

20 (9) waiving a defendant's right to an expunction or to
21 an order of nondisclosure of criminal history record information.

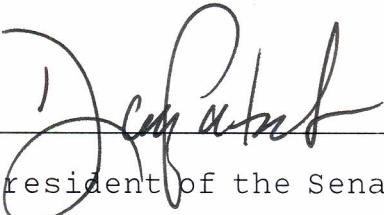
22 (b) The office shall update the forms as necessary.

23 (c) The supreme court by rule shall set the date by which all
24 courts with jurisdiction over criminal actions must adopt and use
25 the forms created under Subsection (a), and if updated, the date by
26 which those courts must adopt and use a form updated under
27 Subsection (b).


1 (d) A court shall accept a form promulgated by the office
2 under this section unless the form has been completed in a manner
3 that causes a substantive defect that cannot be cured.

4 SECTION 2. Not later than September 1, 2020, the Office of
5 Court Administration of the Texas Judicial System shall create and
6 promulgate the forms required by Section 72.0245, Government Code,
7 as added by this Act.

8 SECTION 3. This Act takes effect September 1, 2019.

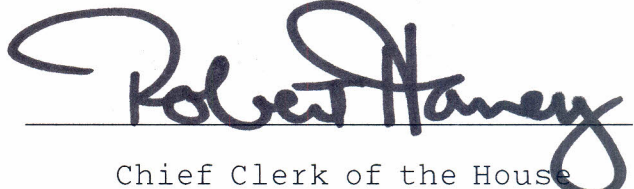


President of the Senate



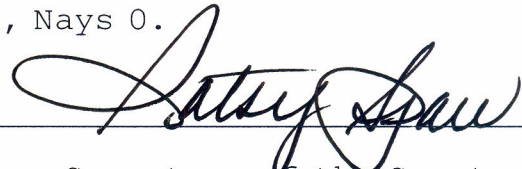
Speaker of the House

I certify that H.B. No. 51 was passed by the House on April 12, 2019, by the following vote: Yeas 144, Nays 0, 1 present, not voting.



Chief Clerk of the House

I certify that H.B. No. 51 was passed by the Senate on May 21, 2019, by the following vote: Yeas 31, Nays 0.

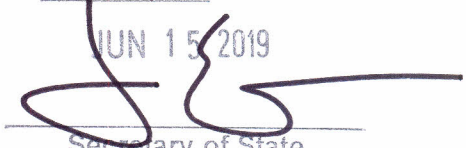


Secretary of the Senate

APPROVED: _____
Date

Governor

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

JUN 15 2019


Secretary of State

PROCLAMATION
BY THE
Governor of the State of Texas
41-3630

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. 51 as passed by the Eighty-Sixth Texas Legislature, Regular Session, because of the following objections:

House Bill 51 would require the creation and use of standardized forms for certain actions in criminal cases. The Office of Court Administration can already create forms for courts to use, so House Bill 51 is unnecessary for that purpose. But in going further and mandating that judges use these standardized forms, the bill as drafted could create larger problems. The author's good intentions are appreciated, but the bill may end up discouraging judges from giving individualized attention to the important matters being waived or otherwise addressed by the forms, and it risks creating loopholes for criminal defendants to exploit whenever the forms are not used. It also could preclude judges from handling these matters orally on the record, which unduly restricts the ability of judges to run their courtrooms.

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.

A handwritten signature in dark ink, reading "Greg Abbott", written over a horizontal line.

GREG ABBOTT
Governor of Texas

ATTESTED BY:

A handwritten signature in dark ink, reading "Joe Esparza", written over a horizontal line.

JOE ESPARZA
Deputy Secretary of State

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