

87TH TEXAS LEGISLATURE

SPOTLIGHT ON: SB 1530 / HB 3774



Texas Judicial Commission on Mental Health

SEN. JOAN HUFFMAN / REP. JEFF LEACH

Relating to the operation and administration of and practice and procedure related to proceedings in the judicial branch of state government

Article 3, Section 3.01: Acceptance of Defendant's Plea in Justice and Municipal Courts.

Issue: Constitutional principles and case law dictate that judges only accept a plea when (i) a defendant is mentally competent, and (ii) the plea is given freely and voluntarily. This is codified for County and District Court Judges but is not yet codified for Justices of the Peace or Municipal Judges.

SB 1530/HB3774: This section of the bill mirrors the existing requirements for County and District Court Judges, requiring that Justice and Municipal Court Judges accept a plea only from a defendant who appears to be mentally competent, and that the plea be free and voluntary.