

1 **Rule 9-301. Record of arraignment and conviction.**

2 Intent:

3 ~~To establish a procedure for justice courts to follow in making a record at the time of arraignment and~~
4 ~~conviction, in those cases where the defendant may be subject to an enhanced penalty if convicted of the~~
5 ~~same offense in the future.~~

6 Applicability:

7 ~~This rule shall apply to the justice courts in those cases where the defendant may be subject to an~~
8 ~~enhanced penalty if convicted of the same offense in the future.~~

9 Statement of the Rule:

10 ~~(1) At the time of arraignment, the justice court judge shall determine whether the defendant would be~~
11 ~~subject to an enhanced penalty if convicted of the same offense in the future.~~

12 ~~(2) If the defendant would be subject to an enhanced penalty, upon the entry of a plea of guilty, the justice~~
13 ~~court judge shall:~~

14 ~~(A) Advise the defendant, orally and in writing of the defendant's rights, the elements of the charged~~
15 ~~offense, the penalties for the charged offense, and the enhancement penalty which may be imposed in~~
16 ~~the event the defendant is convicted of the same offense in the future; and~~

17 ~~(B) Require the defendant to sign a statement acknowledging that the defendant understands his rights~~
18 ~~and that he knowingly, intelligently and voluntarily waives those rights.~~

19 ~~(3) Upon the entry of a guilty plea or receipt of a conviction, the justice court judge shall execute a written~~
20 ~~and signed judgment of conviction and forward the appropriate information and/or fingerprints to the state~~
21 ~~agencies responsible for maintaining criminal records.~~