

By: Anchia

H.B. No. 1125

A BILL TO BE ENTITLED

AN ACT

relating to certain duties of law enforcement agencies concerning certain information subject to disclosure to a defendant.

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

SECTION 1. This Act may be cited as the Richard Miles Act.

SECTION 2. Chapter 2, Code of Criminal Procedure, is amended by adding Article 2.1397 to read as follows:

Art. 2.1397. DUTIES OF LAW ENFORCEMENT AGENCY FILING CASE.

(a) In this article:

(1) "Attorney representing the state" means an attorney authorized by law to represent the state in a criminal case, including a district attorney, criminal district attorney, county attorney with criminal jurisdiction, or city or municipal attorney.

(2) "Law enforcement agency" means an agency of the state or an agency of a political subdivision of the state authorized by law to employ peace officers.

(b) A law enforcement agency filing a case with the attorney representing the state shall include with the case file:

(1) all documents, items, and information in the possession of the agency that are required to be disclosed to the defendant in the case under Article 39.14; and

(2) a written statement by a peace officer employed by the agency acknowledging that the documents, items, and information

1 filed with the case under Subdivision (1) constitute all of the
2 documents, items, and information in the possession of the agency
3 that are required to be disclosed to the defendant in the case under
4 Article 39.14.

5 (c) If at any time after the case is filed with the attorney
6 representing the state the law enforcement agency discovers or
7 acquires any additional document, item, or information required to
8 be disclosed to the defendant under Article 39.14, a peace officer
9 employed by the agency shall promptly transmit the document, item,
10 or information to the attorney representing the state.

11 (d) A law enforcement agency shall promptly disclose to each
12 attorney representing the state with whom the agency files cases
13 the identity of each peace officer or other employee of the agency
14 for whom a finding of misconduct has been sustained if that finding
15 would be required to be disclosed to a defendant under Article
16 39.14.

17 SECTION 3. This Act takes effect September 1, 2021.