

BILL ANALYSIS

C.S.H.B. 646
By: Otto
Judiciary
Committee Report (Substituted)

BACKGROUND AND PURPOSE

The Office of the Attorney General is charged with defending the director of the prison system in federal habeas corpus cases that challenge state court convictions. The records that are necessary to defend these convictions are possessed by various state courts, county and district attorneys and other state agencies. Currently, there is not a clear procedure or time line for turning over the records to the Attorney General. This has resulted in a number of problems ranging from delay in receiving records to refusal by the courts to cooperate. This bill amends Article 2.23 of the Code of Criminal Procedure to require the clerks of all district courts, statutory county courts, constitutional county courts, courts of appeals and state agencies to turn over any government records requested by the Attorney General for the purpose of defending state convictions and establishes a time line for doing so.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

The bill amends Article 2.23 of the Code of Criminal Procedure to require clerks of all courts and state agencies to turn over to the Attorney General any records relating to a criminal matter requested within 10 days of the request.

EFFECTIVE DATE

September 1, 2005

COMPARISON OF ORIGINAL TO SUBSTITUTE

The substitute specifies the various courts to which the bill applies in Article 2.23(a) while the original refers to a "state court". The substitute refers to clerks of these courts rather than the courts themselves in the original.