

By: Thompson

H.B. No. 2573

A BILL TO BE ENTITLED

AN ACT

relating to the dismissal of a criminal action.

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

SECTION 1. Chapter 32, Code of Criminal Procedure, is amended by adding Article 32.03 to read as follows:

Art. 32.03. DISMISSAL BY COURT. (a) The court may dismiss a criminal action at any time on its own motion if the court finds that:

(1) the court lacks jurisdiction over the case;  
(2) a dismissal would be in the interest of justice; or  
(3) the attorney representing the state has failed to provide exculpatory information to the defense in a timely manner.

(b) The court shall incorporate the reasons for dismissal in the judgment of dismissal.

SECTION 2. The change in law made by this Act applies only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is covered by the law in effect immediately before the effective date of this Act, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense was committed before that date.

SECTION 3. This Act takes effect September 1, 2007.