

BILL ANALYSIS

H.B. 996
By: Giddings
Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Current Texas law requires the transfer of certain documents in a criminal case to be by certified mail, return receipt requested, or by fax, personal service, or hand delivery. Using electronic mail to transfer documents can expedite the receipt and enhance the overall efficiency of document delivery in criminal cases. H.B. 996 seeks to address this issue by alternatively authorizing the transmission of certain documents in a criminal case by secure electronic mail.

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

H.B. 996 amends the Code of Criminal Procedure to include secure electronic mail among the acceptable methods available for the transmission of the following documents:

- a copy of an application for a writ of habeas corpus that the clerk of a court must send to the attorney representing the state in a death penalty or felony case
- a copy of the court's order denying or granting the relief sought in a habeas corpus application that the clerk of the court must send to the applicant and to the state in a community supervision case
- a copy of a certificate of analysis establishing the results of a laboratory analysis of physical evidence in a criminal action that must be provided to the opposing party and a copy of the opposing party's written objection to the use of such certificate, if an objection is filed, that the opposing party provides to the offering party
- a copy of a chain of custody affidavit establishing the chain of custody of physical evidence in a criminal action that must be provided to the opposing party and a copy of the opposing party's written objection to the use of such affidavit, if an objection is filed, that the opposing party provides to the offering party.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2013.