

SENATE AMENDMENTS

2nd Printing

By: Carter

H.B. No. 1847

A BILL TO BE ENTITLED

1 AN ACT

2 relating to continuing legal education in ethics or professional
3 responsibility for prosecutors.

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

5 SECTION 1. Section 81.113, Government Code, is amended by
6 adding Subsections (d) and (e) to read as follows:

7 (d) Of the state bar's minimum continuing legal education
8 requirements on legal ethics or professional responsibility for a
9 reporting year, each county attorney or district attorney that
10 represents this state in criminal cases must complete at least one
11 hour on ethics related to the attorney's duties as a prosecutor,
12 including prosecutorial misconduct.

13 (e) A county attorney or district attorney must complete the
14 continuing legal education required under Subsection (d) not later
15 than the 180th day after the date the person initially assumes the
16 person's duties as county attorney or district attorney.

17 SECTION 2. A person serving as a county attorney or district
18 attorney on the effective date of this Act that is subject to
19 Section 81.113(d), Government Code, as added by this Act, must
20 comply with the continuing legal education requirements of that
21 section not later than March 1, 2014.

22 SECTION 3. This Act takes effect September 1, 2013.

ADOPTED

MAY 22 2013

Atty Gen
Secretary of the Senate

By: *Joan Huffman*

H.B. No. 1847

Substitute the following for H.B. No. 1847:

By: *Wendy Bell*

C.S. H.B. No. 1847

A BILL TO BE ENTITLED

1 AN ACT
2 relating to continuing legal education in ethics or professional
3 responsibility for prosecutors.

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

5 SECTION 1. Subchapter B, Chapter 41, Government Code, is
6 amended by adding Section 41.111 to read as follows:

7 Sec. 41.111. TRAINING RELATED TO PROSECUTING ATTORNEY'S
8 DUTY TO DISCLOSE EXCULPATORY AND MITIGATING EVIDENCE. (a) Each
9 attorney representing the state in the prosecution of felony and
10 misdemeanor criminal offenses other than Class C misdemeanors shall
11 complete a course of study relating to the duty of a prosecuting
12 attorney to disclose exculpatory and mitigating evidence in a
13 criminal case.

14 (b) The court of criminal appeals shall adopt rules relating
15 to the training required by Subsection (a). In adopting the rules,
16 the court shall consult with a statewide association of prosecuting
17 attorneys in the development, provision, and documentation of the
18 required training.

19 (c) The rules must:

20 (1) require that each attorney, within 180 days of
21 assuming duties as an attorney representing the state described in
22 Subsection (a), shall receive one hour of instruction relating to
23 the duty of a prosecuting attorney to disclose exculpatory and
24 mitigating evidence in a criminal matter;

1 (2) require additional training on a schedule or at a
2 time as determined by the court;

3 (3) provide that the required training be specific
4 with respect to a prosecuting attorney's duties regarding the
5 disclosure of exculpatory and mitigating evidence in a criminal
6 case, and must be consistent with case law and the Texas
7 Disciplinary Rules of Professional Conduct; and

8 (4) provide for a method of certifying the completion
9 of the training described in Subdivisions (1) and (2).

10 SECTION 2. (a) The court of criminal appeals shall adopt
11 rules required by Section 41.111, Government Code, as added by this
12 Act, not later than January 1, 2014.

13 (b) A person who on January 1, 2014, is serving as an
14 attorney representing the state as described in Section 41.111(a),
15 Government Code, as added by this Act, must comply with the training
16 requirements of this section not later than January 1, 2015.

17 SECTION 3. This Act takes effect January 1, 2014.

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION

May 22, 2013

TO: Honorable Joe Straus, Speaker of the House, House of Representatives

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB1847 by Carter (Relating to continuing legal education in ethics or professional responsibility for prosecutors.), **As Passed 2nd House**

No significant fiscal implication to the State is anticipated.

The bill would amend the Government Code to require prosecuting attorneys to complete one hour of training relating to a duty to disclose certain information in a criminal case within 180 days of assuming duties. Additional related training thereafter would be based upon rules promulgated by the court of criminal appeals. This analysis anticipates that costs of any training as described could reasonably be absorbed within existing resources for prosecutor training. The bill would take effect January 1, 2014.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council

LBB Staff: UP, SD, CL, AM, TB

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION

May 20, 2013

TO: Honorable Royce West, Chair, Senate Committee on Jurisprudence

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB1847 by Carter (Relating to continuing legal education in ethics or professional responsibility for prosecutors.), **Committee Report 2nd House, Substituted**

No significant fiscal implication to the State is anticipated.

The bill would amend the Government Code to require prosecuting attorneys to complete one hour of training relating to a duty to disclose certain information in a criminal case within 180 days of assuming duties. Additional related training thereafter would be based upon rules promulgated by the court of criminal appeals. This analysis anticipates that costs of any training as described could reasonably be absorbed within existing resources for prosecutor training. The bill would take effect January 1, 2014.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council

LBB Staff: UP, CL, AM, TB

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION

May 9, 2013

TO: Honorable Royce West, Chair, Senate Committee on Jurisprudence

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB1847 by Carter (Relating to continuing legal education in ethics or professional responsibility for prosecutors.), **As Engrossed**

No significant fiscal implication to the State is anticipated.

The bill would amend the Government Code to require that the annual minimum continuing legal education for an attorney representing the state in criminal cases include an hour on ethics relating to prosecutorial duties and misconduct. The Office of Court Administration does not anticipate any significant fiscal impact to the court system resulting from the bill.

The change in law would require persons serving as county or district attorneys on the bill's effective date to comply with the education requirements by March 1, 2014. The bill would take effect September 1, 2013.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council

LBB Staff: UP, CL, AM

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION

April 7, 2013

TO: Honorable Tryon D. Lewis, Chair, House Committee on Judiciary & Civil Jurisprudence

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB1847 by Carter (Relating to continuing legal education in ethics or professional responsibility for prosecutors.), **As Introduced**

<p>No significant fiscal implication to the State is anticipated.</p>
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The bill would amend the Government Code to require that the annual minimum continuing legal education for an attorney representing the state in criminal cases include an hour on ethics relating to prosecutorial duties and misconduct. The Office of Court Administration does not anticipate any significant fiscal impact to the court system resulting from the bill.

The change in law would require persons serving as county or district attorneys on the bill's effective date to comply with the education requirements by March 1, 2014. The bill would take effect September 1, 2013.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council

LBB Staff: UP, CL, AM