

House Bill 1847
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

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

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

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

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

No equivalent provision, but see Sections 81.113(d) and (e), Government Code, above.

SENATE VERSION (CS)

No equivalent provision, but see Section 41.111, Government Code, below.

No equivalent provision.

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

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

CONFERENCE

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

(c) The rules must:

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

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

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

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

No equivalent provision.

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

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

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

SENATE VERSION (CS)

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

CONFERENCE