

## **BILL ANALYSIS**

S.B. 2114  
By: West  
Criminal Jurisprudence  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Concerns have been raised that, while prosecutors are obligated to disclose certain information to defendants, in many instances prosecutors are reliant on the release of information that is held by the investigating law enforcement agency. It has also been noted that, if the investigating law enforcement agency does not turn over information to the prosecutor, the prosecutor may face sanctions for a lack of disclosure. S.B. 2114 seeks to address these concerns by setting out provisions relating to certain duties of law enforcement agencies concerning certain information subject to disclosure to a defendant.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **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**

S.B. 2114 amends the Code of Criminal Procedure to require a law enforcement agency filing a case with an attorney representing the state to submit to the attorney representing the state a written statement by an agency employee with knowledge of the case acknowledging that all documents, items, and information in the possession of the agency that are required to be disclosed to the defendant in the case under discovery provisions have been transmitted to the attorney representing the state.

S.B. 2114 requires a law enforcement agency employee, if at any time after the case is filed with the attorney representing the state the agency discovers or acquires any additional document, item, or information required to be disclosed to the defendant under discovery provisions, to promptly transmit the document, item, or information to the attorney. The bill defines "attorney representing the state" as an attorney authorized by law to represent the state in a criminal case and "law enforcement agency" as an agency of the state or an agency of a political subdivision of the state authorized by law to employ peace officers.

### **EFFECTIVE DATE**

September 1, 2019.