86R10894 JRR-F

By:  Thompson of Harris H.B. No. 3594

A BILL TO BE ENTITLED

AN ACT

relating to certain ongoing duties of an attorney representing the state that relate to exculpatory, impeachment, or mitigating evidence in a criminal case.

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

SECTION 1.  Article 39.14(k), Code of Criminal Procedure, is transferred to Chapter 2, Code of Criminal Procedure, redesignated as Article 2.026, Code of Criminal Procedure, and amended to read as follows:

Art. 2.026.  ONGOING DUTY OF ATTORNEY REPRESENTING THE STATE TO DISCLOSE EXCULPATORY, IMPEACHMENT, OR MITIGATING EVIDENCE. [~~(k)~~]  If at any time before, during, or after trial the attorney representing the state discovers any exculpatory, impeachment, or mitigating [~~additional~~] document, item, or information in the possession, custody, or control of the state that tends to negate the guilt of the defendant or would tend to reduce the punishment for the offense charged [~~required to be disclosed under Subsection (h)~~], the attorney representing the state shall promptly disclose the existence of the document, item, or information to the defendant or the court.

SECTION 2.  The change in law made by this Act applies to exculpatory, impeachment, or mitigating evidence described by Article 2.026, Code of Criminal Procedure, as transferred, redesignated, and amended by this Act, that relates to a criminal charge for an offense committed before, on, or after the effective date of this Act.

SECTION 3.  This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2019.