

By: Thompson of Harris

H.B. No. 3594

A BILL TO BE ENTITLED

1 AN ACT

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

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

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

10 Art. 2.026. ONGOING DUTY OF ATTORNEY REPRESENTING THE STATE  
11 TO DISCLOSE EXCULPATORY, IMPEACHMENT, OR MITIGATING EVIDENCE.

12 [~~(k)~~] If at any time before, during, or after trial the attorney  
13 representing the state discovers any exculpatory, impeachment, or  
14 mitigating [~~additional~~] document, item, or information in the  
15 possession, custody, or control of the state that tends to negate  
16 the guilt of the defendant or would tend to reduce the punishment  
17 for the offense charged [~~required to be disclosed under Subsection~~  
18 ~~(h)~~], the attorney representing the state shall promptly disclose  
19 the existence of the document, item, or information to the  
20 defendant or the court.

21 SECTION 2. The change in law made by this Act applies to  
22 exculpatory, impeachment, or mitigating evidence described by  
23 Article 2.026, Code of Criminal Procedure, as transferred,  
24 redesignated, and amended by this Act, that relates to a criminal

1 charge for an offense committed before, on, or after the effective  
2 date of this Act.

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