

BILL ANALYSIS

H.B. 842
By: Moody
Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

It has been suggested that the prohibition on the dissemination of criminal history record information is at odds with certain procedural requirements in criminal cases. H.B. 842 seeks to address this issue by authorizing the attorney representing the state to provide certain criminal history record information to the defendant or the defendant's attorney in accordance with existing discovery laws and establishing that this serves as sufficient notice for the purposes of provisions requiring notice in a criminal case.

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

H.B. 842 amends the Government Code to authorize an attorney representing the state in a criminal case to disclose to the defendant or the defendant's attorney criminal history record information obtained from the Department of Public Safety (DPS) or the FBI that relates to the defendant or a potential witness in the case. The bill requires the state's attorney to provide with the disclosure a copy of Government Code provisions providing criminal penalties for the unauthorized obtaining, use, or disclosure of criminal history record information.

H.B. 842 amends the Code of Criminal Procedure to establish that notice requirements relating to the state's intention to introduce evidence of other crimes, wrongs, or acts committed by the defendant or evidence of the prior criminal record of a potential witness, as permitted by certain applicable law and rules of evidence, are satisfied with respect to the criminal history record information contained in the disclosure if the following action is taken:

- the state's attorney timely discloses to the defendant or the defendant's attorney criminal history record information in the original format in which the information was retrieved from a database maintained by DPS or the FBI; and
- that disclosure is made in accordance with state law governing discovery in a criminal case.

This provision does not apply to criminal history record information that the state intends to introduce for the purpose of enhancing the punishment for an offense.

EFFECTIVE DATE

September 1, 2021.