

By: Collier

H.B. No. 3830

A BILL TO BE ENTITLED

AN ACT

relating to certain continuing duties of the state that relate to exculpatory evidence in a criminal case.

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

SECTION 1. Chapter 2, Code of Criminal Procedure, is amended by adding Article 2.026 to read as follows:

Art. 2.026. CONTINUING DUTY OF STATE TO DISCLOSE EXCULPATORY EVIDENCE. Regardless of the date the applicable offense was committed, if at any time before, during, or after trial or a plea negotiation the state discovers any exculpatory document, item, or information in the possession, custody, or control of the state, the state shall promptly disclose the existence of the document, item, or information to the defendant or the court. This duty is in addition to the state's duty to disclose the existence of any additional document, item, or information under Article 39.14(k).

SECTION 2. 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, 2021.