88R10185 TSS-D

By:  Dutton H.B. No. 2527

A BILL TO BE ENTITLED

AN ACT

relating to the duty of an attorney representing the state to disclose certain information regarding a defendant convicted of an offense.

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

SECTION 1.  Article 39.14, Code of Criminal Procedure, is amended by adding Subsection (k-1) to read as follows:

(k-1)  In addition to any disclosure required under Subsections (h) and (k), an attorney representing the state who develops probable cause to believe that a convicted defendant did not commit the offense for which the defendant was convicted based on credible information discovered by the attorney after the conviction shall:

(1)  if the defendant was convicted of an offense in the attorney's jurisdiction:

(A)  disclose the information to the defendant, any attorney representing the defendant, and the court in which the defendant was convicted;

(B)  for a defendant not represented by an attorney, submit a motion to the court in which the defendant was convicted requesting a hearing to determine whether the defendant is eligible for appointed counsel under Article 1.051(d); and

(C)  provide to the attorney representing the defendant any additional information known by the attorney representing the state that may be relevant to an appellate proceeding for the defendant; or

(2)  if the defendant was convicted of an offense in a jurisdiction other than the jurisdiction of the attorney representing the state who develops the probable cause, promptly disclose the information to an attorney representing the state in that jurisdiction.

SECTION 2.  Section 81.024, Government Code, is amended by adding Subsection (c) to read as follows:

(c)  If the supreme court adopts the Texas Disciplinary Rules of Professional Conduct under Subsection (b), the rules must provide that a violation of Article 39.14(k-1), Code of Criminal Procedure, if committed in bad faith, is a violation of the Texas Disciplinary Rules of Professional Conduct. An attorney who violates that rule is subject to discipline under Subchapter E.

SECTION 3.  As soon as practicable after the effective date of this Act, the Texas Supreme Court shall adopt rules as required by Section 81.024(c), Government Code, as added by this Act.

SECTION 4.  This Act takes effect September 1, 2023.