

By: Dutton

H.B. No. 2527

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the duty of an attorney representing the state to
3 disclose certain information regarding a defendant convicted of an
4 offense.

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

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

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

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

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

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

23 (C) provide to the attorney representing the
24 defendant any additional information known by the attorney

1 representing the state that may be relevant to an appellate
2 proceeding for the defendant; or

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

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

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

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

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