

By: Jones of Harris

H.B. No. 3688

A BILL TO BE ENTITLED

AN ACT

relating to the dismissal of a criminal case by the attorney representing the state.

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

SECTION 1. Article 32.02, Code of Criminal Procedure, is amended to read as follows:

Art. 32.02. DISMISSAL BY STATE'S ATTORNEY. (a) The attorney representing the state [~~State~~] may, by permission of the court, dismiss a criminal action at any time upon filing a written statement with the papers in the case.

(b) A statement of dismissal filed under this article must:

(1) [~~setting out his reasons for such dismissal, which shall~~] be incorporated in the judgment of dismissal; and

(2) set out the attorney representing the state's specific reasons for the dismissal, including lack of evidence or actual innocence.

(c) If the specific reason for a dismissal set out under Subsection (b)(2) is the misconduct of a law enforcement officer, the attorney representing the state shall:

(1) include in the papers in the case any information relating to the misconduct;

(2) refer the matter to the law enforcement agency employing the officer for internal review; and

(3) consider whether the filing of a criminal charge

1 against the officer is appropriate or refer the matter to the
2 appropriate attorney representing the state for that
3 consideration.

4 (d) No case shall be dismissed under this article without
5 the consent of the presiding judge.

6 SECTION 2. The change in law made by this Act applies only
7 to the dismissal of a criminal action that occurs on or after the
8 effective date of this Act. A dismissal that occurs before the
9 effective date of this Act is governed by the law in effect on the
10 date of the dismissal, and the former law is continued in effect for
11 that purpose.

12 SECTION 3. This Act takes effect September 1, 2023.