

BILL ANALYSIS

Senate Research Center

C.S.H.B. 3664
By: Smithee (Flores)
Criminal Justice
5/27/2025
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

In our hearing this past Thursday I presented an initial draft of a committee substitute to H.B. 3664.

After reviewing valuable testimony from prosecutors across the state and deliberating with members of the committee, we have made further adjustments to the substitute.

The committee substitute to H.B. 3664 implements new training requirements for prospective grand jurors. The training course can be offered online and must include information on:

- the purpose of grand jury service;
- the grand juror selection process; and
- grand jury procedures and deliberations.

The committee substitute clearly provides that a case may be re-presented to a grand jury only if there is new evidence.

During a grand jury hearing, prosecutors must ensure Brady evidence is fully disclosed or presented to the grand jury.

Lastly, the committee substitute sets the effective date to more closely align with impaneling of grand juries to avoid confusion.

I want to make clear that this committee substitute does not include language requiring transcription of the testimony of any witness appearing before a grand jury.

C.S.H.B. 3664 amends the Government Code to require a prospective grand juror, before the prospective grand juror may be accepted and impaneled under Code of Criminal Procedure provisions governing grand jury organization, to complete a training course regarding grand jury proceedings that is administered by the Office of Court Administration of the Texas Judicial System (OCA). The training course may be offered online and must include instruction regarding the following:

- the purpose and rules of grand jury service;
- the grand juror selection process; and
- grand jury procedures and deliberations.

The bill requires the Texas Judicial Council, as soon as practicable after the bill's effective date, to adopt rules as necessary to implement these provisions, including rules regarding the content of the training course.

C.S.H.B. 3664 amends the Code of Criminal Procedure to require each person who is presented to serve as a grand juror to complete the training regarding grand jury proceedings described by the bill's provisions before a prospective grand juror may be accepted and impaneled.

C.S.H.B. 3664 amends current law relating to the training of prospective grand jurors and to grand jury proceedings.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Texas Judicial Council in SECTION 6 (Section 72.0365, Government Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter C, Chapter 19A, Code of Criminal Procedure, by adding Article 19A.1021, as follows:

Art. 19A.1021. TRAINING OF PROSPECTIVE GRAND JURORS REQUIRED. Requires each person who is presented to serve as a grand juror, before a prospective grand juror is authorized to be accepted and impaneled, to complete the training described by Section 72.0365, Government Code. Provides that the acceptance and impanelment of a prospective grand juror who has not completed the training described by Section 72.0365, Government Code, does not affect the validity of a grand jury proceeding and is prohibited from being used by a defendant as a ground for appeal, a ground to set aside an indictment, conviction, or sentence, or a ground in a habeas corpus petition.

SECTION 2. Amends Subchapter A, Chapter 20A, Code of Criminal Procedure, by adding Article 20A.002, as follows:

Art. 20A.002. WHO MAY BE INVESTIGATED. (a) Prohibits a grand jury, except as provided by Subsection (b), from investigating a person who is accused or suspected of an offense and voting to present an indictment for the offense if the person has previously been investigated by a grand jury for the same offense and that grand jury found no bill of indictment.

(b) Provides that a grand jury is authorized to investigate, and present an indictment with respect to, a person described by Subsection (a) only if the attorney is representing the state presents evidence that was not known to the state before or during the previous grand jury investigation.

SECTION 3. Amends the heading to Subchapter F, Chapter 20A, Code of Criminal Procedure, to read as follows:

SUBCHAPTER F. WITNESS; EVIDENCE

SECTION 4. Amends Subchapter F, Chapter 20A, Code of Criminal Procedure, by adding Article 20A.260, as follows:

Art. 20A.260. PRESENTATION OF EXCULPATORY EVIDENCE. Requires the attorney representing the state, before the grand jury votes on the presentation of an indictment as described by Article 20A.301 (Voting on Indictment), to disclose to the grand jury any exculpatory evidence known to the attorney representing the state at the time of presentation to the grand jury.

SECTION 5. Amends Subchapter G, Chapter 20A, Code of Criminal Procedure, by adding Article 20A.3025, as follows:

Art. 20A.3025. CERTIFICATION OF EXCULPATORY EVIDENCE. (a) Requires the attorney representing the state, at the time the indictment is prepared and delivered to the foreperson under Article 20A.302(a) (relating to requiring the attorney representing the state to prepare each indictment found by the grand jury and deliver the indictment to the foreperson), to prepare and deliver to the foreperson a statement that is signed by the attorney representing the state and includes a list of the exculpatory evidence presented to the grand jury under Article 20A.260.

(b) Provides that the foreperson is required to certify that the statement prepared and delivered under Subsection (a) includes the complete list of exculpatory evidence presented to the grand jury under Article 20A.260, and requires the foreperson to sign the statement.

(c) Requires that the statement described by Subsections (a) and (b) be notarized. Provides that a notarized statement under this article is self-authenticating under Rule 902, Texas Rules of Evidence.

SECTION 6. Amends Subchapter C, Chapter 72, Government Code, by adding Section 72.0365, as follows:

Sec. 72.0365. TRAINING COURSE FOR PROSPECTIVE GRAND JURORS. (a) Requires a prospective grand juror, before the prospective grand juror may be accepted and impaneled under Chapter 19A (Grand Jury Organization), Code of Criminal Procedure, to complete a training course regarding grand jury proceedings that is administered by the Office of Administration of the Texas Judicial System.

(b) Provides that the training course required by Subsection (a) is required to include instruction regarding the purpose and rules of grand jury service, the grand juror selection process, and grand jury procedures and deliberations and is authorized to be offered online.

(c) Requires Texas Judicial Council (TJC) to adopt rules as necessary to implement this section, including rules regarding the content of the training course required by Subsection (a).

SECTION 7. Requires TJC, as soon as practicable after the effective date of this Act, to adopt rules as required by Section 72.0365, Government Code, as added by this Act.

SECTION 8. Makes application of this Act prospective.

SECTION 9. Effective date: January 1, 2026.