

BILL ANALYSIS

C.S.H.B. 744
By: Collier
Criminal Jurisprudence
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Concerns have been raised that some prosecuting attorneys do not always receive all relevant evidence pertaining to a particular case from law enforcement agencies, leaving the attorney vulnerable to Brady violations. Under state law, certain evidence must be disclosed to the defense, and a failure to do so may result in sanctions, including reprimand, censure, termination, or even disbarment for prosecuting attorneys. C.S.H.B. 744 seeks to address these concerns by setting out certain duties for law enforcement agencies regarding the release of information subject to disclosure to the state's attorney.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 744 amends the Code of Criminal Procedure to require a law enforcement agency filing a case with the state's attorney, excluding the state's attorney in a justice or municipal court, to submit to the attorney a written statement by an agency employee with knowledge of the case acknowledging that all documents, items, and information in the agency's possession that are statutorily required to be disclosed to the defendant in the case have been transmitted to the attorney. If at any time after the case is filed with the state's attorney the law enforcement agency discovers or acquires any additional document, item, or information required to be disclosed to the defendant, an agency employee must promptly transmit it to the state's attorney.

EFFECTIVE DATE

September 1, 2021.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 744 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute includes a clarification that the bill's provisions do not apply to the state's attorney in a justice or municipal court.

The substitute does not include a city or municipal attorney as an attorney representing the state.