

BILL ANALYSIS

Senate Research Center
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C.S.H.B. 1847
By: Carter (Huffman)
Jurisprudence
5/20/2013
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

All attorneys in Texas, including prosecutors, are currently required to meet minimum continuing legal education requirements set by the State Bar of Texas. However, interested parties express concern that there is no specific requirement for prosecutors to complete training on the subject of prosecutorial misconduct.

C.S.H.B. 1847 amends current law relating to continuing legal education in ethics or professional responsibility for prosecutors.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the court of criminal appeals in SECTION 1 (Section 41.111, Government Code) and SECTION 2 of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter B, Chapter 41, Government Code, by adding Section 41.111, as follows:

Sec. 41.111. TRAINING RELATED TO PROSECUTING ATTORNEY'S DUTY TO DISCLOSE EXCULPATORY AND MITIGATING EVIDENCE. (a) Requires each attorney representing the state in the prosecution of felony and misdemeanor criminal offenses other than Class C misdemeanors to complete a course of study relating to the duty of a prosecuting attorney to disclose exculpatory and mitigating evidence in a criminal case.

(b) Requires the court of criminal appeals to adopt rules relating to the training required by Subsection (a). Requires the court, in adopting the rules, to consult with a statewide association of prosecuting attorneys in the development, provision, and documentation of the required training.

(c) Requires that the rules:

(1) require that each attorney, within 180 days of assuming duties as an attorney representing the state described in Subsection (a), receive one hour of instruction relating to the duty of a prosecuting attorney to disclose exculpatory and mitigating evidence in a criminal matter;

(2) require additional training on a schedule or at a time as determined by the court;

(3) provide that the required training be specific with respect to a prosecuting attorney's duties regarding the disclosure of exculpatory and mitigating evidence in a criminal case, and requires that it be consistent with case law and the Texas Disciplinary Rules of Professional Conduct; and

(4) provide for a method of certifying the completion of the training described in Subdivision (1) and (2).

SECTION 2. (a) Requires the court of criminal appeals to adopt rules required by Section 41.111, Government Code, as added by this Act, not later than January 1, 2014.

(b) Requires a person who on January 1, 2014, is serving as an attorney representing the state as described in Subsection 41.111(a), Government Code, as added by this Act, to comply with the training requirements of this section not later than January 1, 2015.

SECTION 3. Effective date: January 1, 2014.