

BILL ANALYSIS

H.B. 1820
By: Springer
Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Interested parties contend that the practice of introducing a prior conviction into evidence by authenticating it with a supporting witness can be expensive and burdensome, noting that some evidence of prior convictions involves a self-authenticating document that identifies the defendant and has already been validated in a court of law. H.B. 1820 seeks to allow the admission into evidence of such documents under certain conditions.

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

H.B. 1820 amends the Code of Criminal Procedure to create a presumption establishing the existence of a prior conviction for a person without the necessity of supporting testimony if a document that names that person, relates to that prior conviction, and is self-authenticating under certain specified provisions of the Texas Rules of Evidence is admitted into evidence in compliance with the bill's provisions. The bill requires such a document to be filed with the clerk of the court and a copy of such a document to be provided to the opposing party by specified means not later than the 30th day before the date any trial in the case begins. The bill makes the presumption inapplicable if, not later than the 10th day before the date any trial in the case begins, the opposing party files with the clerk of the court a sworn written objection to the document and provides a copy of the objection to the offering party by specified means. The bill requires such an objection to state that the defendant or witness is not the person named in the document or to identify another error that makes the document inapplicable to or otherwise inadmissible in the proceeding in which the document is offered. The bill expressly does not limit the right of a party to summon a witness or to introduce other admissible evidence relevant to the prior conviction.

EFFECTIVE DATE

September 1, 2017.