

## **BILL ANALYSIS**

C.S.S.B. 111  
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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.S.B. 111 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.S.B. 111 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 disclosed 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 disclose it to the state's attorney.

### **EFFECTIVE DATE**

September 1, 2021.

### **COMPARISON OF SENATE ENGROSSED AND SUBSTITUTE**

While C.S.S.B. 111 may differ from the engrossed in minor or nonsubstantive ways, the following summarizes the substantial differences between the engrossed and committee substitute versions of the bill.

The substitute changes the provisions in the engrossed requiring the applicable evidence to be transmitted to the state's attorney to require instead that evidence to be disclosed to the state's attorney.