

By: Springer

H.B. No. 794

A BILL TO BE ENTITLED

AN ACT

relating to a presumption regarding certain evidence of a prior conviction.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 38, Code of Criminal Procedure, is amended by adding Article 38.48 to read as follows:

Art. 38.48. PRESUMPTION OF PRIOR CONVICTION.

Sec. 1. The admission into evidence of a self-authenticating document relating to a prior conviction that complies with this article creates a presumption establishing the existence of that prior conviction for the person named in the self-authenticating document without the necessity of supporting testimony.

Sec. 2. Not later than the 30th day before the trial begins in a proceeding in which a prior conviction is to be introduced, the self-authenticating document must be filed with the clerk of the court and a copy must be provided by fax, hand delivery, secure electronic transmission, or certified mail, return receipt requested, to the opposing party.

The presumption established under Section 1 does not or certified mail, return receipt requested, to the offering party. A sworn written objection submitted under this section must state that the defendant or witness is not the person named in the self-authenticating document or identify another error that makes

1 the document inadmissible in or inapplicable to the proceeding in
2 which it is filed.

3 Sec. 3. This article does not limit the right of a
4 party to summon a witness or to introduce admissible evidence
5 relevant to the prior conviction.

6 SECTION 2. This Act takes effect September 1, 2015.