



TO: Members, House Judiciary Committee
FROM: Gail Meyer, JD, Legislative Representative
DATE: May 20, 2013
RE: SB 492-A (Brady bill)

Chair Barker and Members, House Judiciary Committee ~

On Thursday May 16th, Texas Governor Rick Perry signed into law The Michael Morton Act, Senate Bill 1611. Michael Morton was exonerated after spending nearly 25 years in prison for the murder of his wife. DNA evidence implicated another man, who has also been tied to a similar Texas murder that occurred two years after the murder of Morton's wife.

Among other provisions, Texas SB 1611 codifies *Brady v. Maryland* in language substantially similar to SB 492-A. In relevant part, Texas SB 1611 provides:

Section 2 (h): Notwithstanding any other provision of this article, the state shall disclose to the defendant any exculpatory, impeachment, or mitigating document, item, or information in the possession, custody, or control of the state that tends to negate the guilt of the defendant or would tend to reduce the punishment of the offense charged.

The vote count in the Senate was Yeas 31, Nays 0.

The vote count in the House was 146 Yeas, Nays 0, Present, not voting 1.

Thank you for your consideration of this additional testimony. OCDLA urges your support of SB 492-A.

Gov. Perry Signs Senate Bill 1611, The Michael Morton Act

Thursday, May 16, 2013 • Austin, Texas • Press Release

AUSTIN - Gov. Rick Perry today signed Senate Bill 1611, the Michael Morton Act, which will help prevent wrongful convictions in Texas. The governor was joined by Sens. Rodney Ellis and Robert Duncan, Reps. Senfronia Thompson and Tryon Lewis, and Michael Morton for the bill signing.

"Texas is a law-and-order state, and with that tradition comes a responsibility to make our judicial process as transparent and open as possible," Gov. Perry said. "Senate Bill 1611 helps serve that cause, making our system fairer and helping prevent wrongful convictions and penalties harsher than what is warranted by the facts."

The Michael Morton Act will allow Texas' criminal justice system to be more responsive to a case, even after it has been tried, by ensuring a more open discovery process. The bill's open file policy allows for broader discovery, and removes barriers for accessing any evidence, except for items that would affect the security of a victim or witness.

"Discovery reform is simply vital to the reliability and quality of our justice system," Sen. Ellis said. "The Michael Morton Act will help safeguard the innocent, convict only the guilty, and provide justice the people of Texas can have faith in."

"I have long been an advocate for an efficient, effective and uniform court system across Texas. This legislation is a giant step forward in reaching that goal," Sen. Duncan said. "I am proud that stakeholders from across the state were able to come together and set aside their differences to improve our criminal justice system."

"The Michael Morton Act is an incredibly important step in creating a more just Texas criminal justice system," Rep. Thompson said. "It will improve the reliability of criminal convictions and ensure that we have a quality justice system where all relevant evidence and facts are brought to light, and allow for more efficient resolutions to criminal proceedings."

Senate Bill 1611 becomes law on Jan. 1, 2014.