

By: Leach

H.B. No. 1764

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the exclusion of certain witnesses during a criminal  
3 proceeding.

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

5 SECTION 1. Article 36.03, Code of Criminal Procedure, is  
6 amended by adding Subsections (f) and (g) to read as follows:

7 (f) The attorney representing the state may designate one  
8 person who is an officer or employee of a party that is not a natural  
9 person to serve as the state's courtroom representative during a  
10 criminal proceeding. Notwithstanding Rule 614, Texas Rules of  
11 Evidence, a court may not exclude under this article or that rule a  
12 person who has been designated as a courtroom representative under  
13 this subsection unless the person is a law enforcement officer who  
14 violates Subsection (g).

15 (g) A law enforcement officer who is designated as the  
16 state's courtroom representative under Subsection (f) may not wear  
17 a law enforcement uniform or badge while serving as that  
18 representative.

19 SECTION 2. Under the terms of Section 22.109(b), Government  
20 Code, Rule 614, Texas Rules of Evidence, is disapproved to the  
21 extent that Rule 614 permits the exclusion of a witness who is  
22 designated by the attorney representing the state as the state's  
23 courtroom representative in a criminal case from hearing the  
24 testimony of other witnesses in the case.

1           SECTION 3. The change in law made by this Act applies only  
2 to a criminal proceeding that commences on or after the effective  
3 date of this Act. A criminal proceeding that commences before the  
4 effective date of this Act is governed by the law in effect on the  
5 date the proceeding commenced, and the former law is continued in  
6 effect for that purpose.

7           SECTION 4. This Act takes effect September 1, 2023.