

## **BILL ANALYSIS**

H.B. 2288  
By: Alonzo  
Criminal Jurisprudence  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

In order to access evidence in the possession of the State, a defendant is currently required to submit a motion to the court. The court must subsequently order the State to turn over material evidence of the case in question. As currently provided, the State must then produce and permit inspection and copying of material evidence before or during the trial of a criminal action, with the exception of written statements of witnesses and the work product of counsel in the case.

The process of obtaining a court order to acquire evidence from the State lengthens the time involved to resolve a criminal action. An open process in which a defendant has speedy access to material evidence in the possession of the State is essential for a fair trial. House Bill 2288 will allow a defendant to obtain material evidence in the State's possession upon a written request.

### **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**

House Bill 2288 amends the Code of Criminal Procedure, by changing the requirement for a motion by the defendant, and subsequent court order, to a written request in order to access information in the possession of the State. In accordance with this change, the requirements that a court order had to meet are also removed. The bill also states that after conviction, but before sentencing a defendant, the judge shall permit the defendant or his counsel to read the presentence report.

### **EFFECTIVE DATE**

September 1, 2003.