

BILL ANALYSIS

S.B. 164
By: Lindsay
Judicial Affairs
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Over the past few months, controversy has arisen regarding a proposal by a television network to televise the jury deliberations in a capital murder case in Houston. On February 12, 2003, the Court of Criminal Appeals held, in the case of the *State of Texas ex rel. Charles A. Rosenthal, Jr. vs. the Honorable Ted Poe*, that the Texas Code of Criminal Procedure prohibits the recording or televising of jury deliberations. S.B. 164 codifies the prohibition against recording or televising jury deliberations.

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

S.B. 164 amends the Code of Criminal Procedure and the Civil Practice and Remedies Code to ban the use of any device to produce or make an audio, visual, or audio-visual broadcast, recording or photograph of a jury while the jury is deliberating.

EFFECTIVE DATE

September 1, 2003.