

By: Alonzo

H.B. No. 2288

A BILL TO BE ENTITLED

AN ACT

relating to a defendant's right to access to information in the possession of the state.

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

SECTION 1. Article 39.14(a), Code of Criminal Procedure, is amended to read as follows:

(a) Upon written request ~~[motion]~~ of the defendant showing good cause therefor and upon notice to the other parties, the ~~[court in which an action is pending may order the]~~ State before or during trial of a criminal action therein pending or on trial shall ~~[to]~~ produce and permit the inspection and copying or photographing by or on behalf of the defendant of any designated documents, papers, written statement of the defendant, (except written statements of witnesses and except the work product of counsel in the case and their investigators and their notes or report), books, accounts, letters, photographs, objects or tangible things not privileged, which constitute or contain evidence material to any matter involved in the action and which are in the possession, custody or control of the State or any of its agencies. The ~~[order shall specify the time, place and manner of making the inspection and taking the copies and photographs of any of the aforementioned documents or tangible evidence, provided, however, that the]~~ rights herein granted shall not extend to written communications between the State or any of its agents or representatives or employees.

1 Nothing in this Act shall authorize the removal of such evidence
2 from the possession of the State, and any inspection shall be in the
3 presence of a representative of the State.

4 SECTION 2. Section 9(d), Article 42.12, Code of Criminal
5 Procedure, is amended to read as follows:

6 (d) After conviction, but before ~~[Before]~~ sentencing a
7 defendant, the judge shall permit the defendant or his counsel to
8 read the presentence report.

9 SECTION 3. This Act takes effect September 1, 2003, and
10 applies only to a case that commences on or after that date. A case
11 that commences before the effective date of this Act is covered by
12 the law in effect when the case commenced, and the former law is
13 continued in effect for that purpose.