

By: Thompson

H.B. No. 71

A BILL TO BE ENTITLED

AN ACT

relating to grand jury proceedings.

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

SECTION 1. Article 20.011(a), Code of Criminal Procedure, is amended to read as follows:

(a) Only the following persons may be present in a grand jury room while the grand jury is conducting proceedings:

(1) grand jurors;

(2) bailiffs;

(3) the attorney representing the state;

(4) witnesses while being examined [~~or when necessary to assist the attorney representing the state in examining other witnesses or presenting evidence to the grand jury~~];

(5) interpreters, if necessary; [~~and~~]

(6) an attorney representing a witness who is a target of a grand jury investigation, for the sole purpose of consultation; and

(7) a stenographer or person operating an electronic recording device, as provided by Article 20.012.

SECTION 2. Article 20.03, Code of Criminal Procedure, is amended to read as follows:

Art. 20.03. ATTORNEY [~~REPRESENTING STATE~~] ENTITLED TO APPEAR. (a) "The attorney representing the State" means the Attorney General, district attorney, criminal district attorney,

1 or county attorney.

2 (b) The attorney representing the State~~[r]~~ is entitled to go
3 before the grand jury and inform them of offenses liable to
4 indictment at any time except when they are discussing the
5 propriety of finding an indictment or voting upon the same.

6 (c) An attorney representing a witness who is a target of a
7 grand jury investigation may be present in the grand jury room while
8 the grand jury is questioning the witness. The grand jury shall
9 permit the attorney or the witness to interrupt the questioning at
10 any time so that the attorney may advise the witness outside the
11 hearing of the grand jury.

12 SECTION 3. Article 20.16, Code of Criminal Procedure, is
13 amended to read as follows:

14 Art. 20.16. OATHS TO WITNESSES. The following oath shall
15 be administered by the foreman, or under the foreman's ~~[his]~~
16 direction, to each witness before being interrogated: "You
17 solemnly swear that you will not divulge, either by words or signs,
18 any matter about which you may be interrogated, and that you will
19 keep secret all proceedings of the grand jury which may be had in
20 your presence, and that you will true answers make to such questions
21 as may be propounded to you by the grand jury, or under its
22 direction, so help you God." Any witness or attorney for a witness
23 who divulges any matter about which the witness ~~[he]~~ is
24 interrogated, or any proceedings of the grand jury had in the
25 witness's ~~[his]~~ presence, other than when required to give evidence
26 thereof in due course, shall be liable to a fine as for contempt of
27 court, not exceeding \$500, and to imprisonment not exceeding six

1 months.

2 SECTION 4. The change in law made by this Act applies only
3 to a grand jury proceeding that begins on or after the effective
4 date of this Act. A grand jury proceeding that begins before the
5 effective date of this Act is covered by the law in effect when the
6 proceeding began, and the former law is continued in effect for that
7 purpose.

8 SECTION 5. This Act takes effect September 1, 2005.