

AN ACT

relating to court orders for discovery in a criminal case and to certain time limits on and the consequences of a delay in the prosecution of a criminal case.

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 motion of the defendant showing good cause therefor and upon notice to the other parties, the court in which an action is pending shall [~~may~~] order the State before or during trial of a criminal action therein pending or on trial 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

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

5 SECTION 2. Article 32A.02, Code of Criminal Procedure, is
6 repealed.

7 SECTION 3. The change in law made by Article 39.14(a), Code
8 of Criminal Procedure, as amended by this Act, applies to a motion
9 for discovery filed on or after the effective date of this Act. A
10 motion for discovery filed before the effective date of this Act is
11 covered by the law in effect on the date the motion is filed, and the
12 former law is continued in effect for that purpose.

13 SECTION 4. This Act takes effect immediately if it receives
14 a vote of two-thirds of all the members elected to each house, as
15 provided by Section 39, Article III, Texas Constitution. If this
16 Act does not receive the vote necessary for immediate effect, this
17 Act takes effect September 1, 2005.

President of the Senate

Speaker of the House

I certify that H.B. No. 969 was passed by the House on March 17, 2005, by a non-record vote; that the House refused to concur in Senate amendments to H.B. No. 969 on May 23, 2005, and requested the appointment of a conference committee to consider the differences between the two houses; and that the House adopted the conference committee report on H.B. No. 969 on May 29, 2005, by the following vote: Yeas 144, Nays 0, 1 present, not voting.

Chief Clerk of the House

H.B. No. 969

I certify that H.B. No. 969 was passed by the Senate, with amendments, on May 19, 2005, by the following vote: Yeas 27, Nays 2; at the request of the House, the Senate appointed a conference committee to consider the differences between the two houses; and that the Senate adopted the conference committee report on H.B. No. 969 on May 29, 2005, by the following vote: Yeas 30, Nays 1.

Secretary of the Senate

APPROVED: _____

Date

Governor