

By: Keel

H.B. No. 969

A BILL TO BE ENTITLED

AN ACT

relating to court orders for discovery in 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 representatives or employees. Nothing in this Act shall authorize the removal of such evidence from the possession of the State, and

1 any inspection shall be in the presence of a representative of the
2 State.

3 SECTION 2. The change in law made by Article 39.14(a), Code
4 of Criminal Procedure, as amended by this Act, applies to a motion
5 for discovery filed on or after the effective date of this Act. A
6 motion for discovery filed before the effective date of this Act is
7 covered by the law in effect on the date the motion is filed, and the
8 former law is continued in effect for that purpose.

9 SECTION 3. This Act takes effect immediately if it receives
10 a vote of two-thirds of all the members elected to each house, as
11 provided by Section 39, Article III, Texas Constitution. If this
12 Act does not receive the vote necessary for immediate effect, this
13 Act takes effect September 1, 2005.