

By: Hegar

S.B. No. 634

A BILL TO BE ENTITLED

AN ACT

1
2 relating to a prohibition on disseminating evidence that
3 constitutes child pornography in a criminal proceeding.

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

5 SECTION 1. Chapter 39, Code of Criminal Procedure, is
6 amended by adding Article 39.15 to read as follows:

7 Art. 39.15. EVIDENCE THAT CONSTITUTES CHILD PORNOGRAPHY.

8 (a) In this article, "child pornography" has the meaning assigned
9 by 18 U.S.C. Section 2256.

10 (b) Any property or material that constitutes child
11 pornography must remain in the care, custody, and control of either
12 the court or the attorney representing the state.

13 (c) Notwithstanding Article 39.14 or any other provision of
14 this code, a court shall deny a request by a defendant to copy,
15 photograph, duplicate, or otherwise reproduce any property or
16 material that constitutes child pornography, provided that the
17 attorney representing the state makes the property or material
18 reasonably available to the defendant.

19 (d) For purposes of Subsection (c), property or material is
20 considered to be reasonably available to the defendant if, at the
21 court or the office of the attorney representing the state, the
22 attorney representing the state provides sufficient opportunity
23 for the inspection, viewing, and examination of the property or
24 material by the defendant, the defendant's attorney, or any person

1 the defendant may seek to qualify to provide expert testimony at the
2 trial.

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

8 SECTION 3. This Act takes effect September 1, 2007.