

## **BILL ANALYSIS**

H.B. 1360  
By: Anchia  
Criminal Jurisprudence  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Current law states that information held by a governmental entity or its officer for public information must be made available to any person when part or all of the information is made available to the public unless the disclosure is expressly prohibited by law or the information is confidential under law. This includes information that is held by a prosecutor and released to a licensed attorney representing a defendant. Such information could potentially be published by journalists and sway a juror's impression of the defendant.

H.B. 1360 establishes that a release of information by an attorney representing the state to defense counsel for a purpose relating to the pending or reasonably anticipated prosecution of a criminal case is not considered a voluntary release of information to the public for purposes of state law regarding public information and does not waive the right to assert in the future that the information is excepted from required disclosure under that state law.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

H.B. 1360 amends the Code of Criminal Procedure to establish that a release of information by an attorney representing the state to defense counsel for a purpose relating to the pending or reasonably anticipated prosecution of a criminal case is not considered a voluntary release of information to the public for purposes of state law regarding public information and does not waive the right to assert in the future that the information is excepted from required disclosure under state law regarding public information.

### **EFFECTIVE DATE**

On passage, or, if the act does not receive the necessary vote, the act takes effect September 1, 2009.