

By: Anchia

H.B. No. 1360

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to the effect under the public information law of the  
3 disclosure of certain information by a prosecutor to defense  
4 counsel.

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

6 SECTION 1. Chapter 38, Code of Criminal Procedure, is  
7 amended by adding Article 38.02 to read as follows:

8 Art. 38.02. EFFECT UNDER PUBLIC INFORMATION LAW OF RELEASE  
9 OF CERTAIN INFORMATION. A release of information by an attorney  
10 representing the state to defense counsel for a purpose relating to  
11 the pending or reasonably anticipated prosecution of a criminal  
12 case is not considered a voluntary release of information to the  
13 public for purposes of Section 552.007, Government Code, and does  
14 not waive the right to assert in the future that the information is  
15 excepted from required disclosure under Chapter 552, Government  
16 Code.

17 SECTION 2. This Act takes effect immediately if it receives  
18 a vote of two-thirds of all the members elected to each house, as  
19 provided by Section 39, Article III, Texas Constitution. If this  
20 Act does not receive the vote necessary for immediate effect, this  
21 Act takes effect September 1, 2009.