

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.