

1-1 By: Anchia (Senate Sponsor - West) H.B. No. 1360
1-2 (In the Senate - Received from the House May 4, 2009;
1-3 May 6, 2009, read first time and referred to Committee on Criminal
1-4 Justice; May 22, 2009, reported favorably by the following vote:
1-5 Yeas 6, Nays 0; May 22, 2009, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to the effect under the public information law of the
1-9 disclosure of certain information by a prosecutor to defense
1-10 counsel.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. Chapter 38, Code of Criminal Procedure, is
1-13 amended by adding Article 38.02 to read as follows:

1-14 Art. 38.02. EFFECT UNDER PUBLIC INFORMATION LAW OF RELEASE
1-15 OF CERTAIN INFORMATION. A release of information by an attorney
1-16 representing the state to defense counsel for a purpose relating to
1-17 the pending or reasonably anticipated prosecution of a criminal
1-18 case is not considered a voluntary release of information to the
1-19 public for purposes of Section 552.007, Government Code, and does
1-20 not waive the right to assert in the future that the information is
1-21 excepted from required disclosure under Chapter 552, Government
1-22 Code.

1-23 SECTION 2. This Act takes effect immediately if it receives
1-24 a vote of two-thirds of all the members elected to each house, as
1-25 provided by Section 39, Article III, Texas Constitution. If this
1-26 Act does not receive the vote necessary for immediate effect, this
1-27 Act takes effect September 1, 2009.

1-28 * * * * *