

By: Shapiro

S.B. No. 406

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the exclusion of certain witnesses during a criminal
3 proceeding.

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

5 SECTION 1. Article 36.03, Code of Criminal Procedure, is
6 amended by adding Subsection (f) to read as follows:

7 (f) The prosecuting attorney may designate one person who is
8 an officer or employee of a party that is not a natural person to
9 serve as the state's courtroom representative during a criminal
10 proceeding. Notwithstanding Rule 614, Texas Rules of Evidence, a
11 court may not exclude under this article or that rule a person who
12 has been designated as a courtroom representative under this
13 subsection.

14 SECTION 2. Under the terms of Section 22.109(b), Government
15 Code, Rule 614, Texas Rules of Evidence, is disapproved to the
16 extent that Rule 614 permits the exclusion of a witness who is
17 designated by the prosecuting attorney as the state's courtroom
18 representative in a criminal case from hearing the testimony of
19 other witnesses in the case.

20 SECTION 3. The change in law made by this Act applies to a
21 criminal proceeding that commences on or after the effective date
22 of this Act. A criminal proceeding that commences before the
23 effective date of this Act is covered by the law in effect when the
24 proceeding commenced, and the former law is continued in effect for

1 that purpose.

2 SECTION 4. This Act takes effect September 1, 2009.