

By: Hinojosa

S.B. No. 1673

A BILL TO BE ENTITLED

AN ACT

relating to the secrecy of a grand jury subpoena or summons.

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

SECTION 1. Article 20.02, Code of Criminal Procedure, is amended by amending Subsection (h) and adding Subsections (i) and (j) to read as follows:

(h) A subpoena or summons relating to a grand jury proceeding or investigation must be kept secret to the extent and for as long as necessary to prevent the unauthorized disclosure of a matter before the grand jury. This subsection may not be construed to limit a disclosure permitted by Subsection (c), (d), ~~(e)~~ (e), or (i).

(i) Subsection (h) does not apply to:

(1) a disclosure made in the course of an attorney-client relationship; or

(2) a news media employee who is engaging in a news-gathering activity.

(j) In this section, "news media" means:

(1) a radio or television station that holds a license issued by the Federal Communications Commission;

(2) a newspaper that is qualified under Section 2051.044, Government Code, to publish legal notices or is a free newspaper of general circulation and that is published at least once a week and available and of interest to the general public in

1 connection with the dissemination of news; or

2 (3) a magazine that appears at a regular interval,
3 that contains stories, articles, and essays by various writers, and
4 that is of interest to the general public in connection with the
5 dissemination of news or public affairs.

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