

By: Fletcher, Burkett, Carter

H.B. No. 96

A BILL TO BE ENTITLED

AN ACT

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

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

SECTION 1. Article 36.03, Code of Criminal Procedure, is amended by adding Subsections (f) and (g) to read as follows:

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

(g) A law enforcement officer who is designated as the state's courtroom representative under Subsection (f) may not wear a law enforcement uniform or badge while serving as that representative.

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

1 SECTION 3. The change in law made by this Act applies to a
2 criminal proceeding that commences on or after the effective date
3 of this Act. A criminal proceeding that commences before the
4 effective date of this Act is covered by the law in effect when the
5 proceeding commenced, and the former law is continued in effect for
6 that purpose.

7 SECTION 4. This Act takes effect September 1, 2011.