

By: Fletcher, Burkett

H.B. No. 96

Substitute the following for H.B. No. 96:

By: Zedler

C.S.H.B. No. 96

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 Subsections (f) and (g) 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 unless the person is a law enforcement officer who  
14 violates Subsection (g).

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

19 SECTION 2. Under the terms of Section 22.109(b), Government  
20 Code, Rule 614, Texas Rules of Evidence, is disapproved to the  
21 extent that Rule 614 permits the exclusion of a witness who is  
22 designated by the prosecuting attorney as the state's courtroom  
23 representative in a criminal case from hearing the testimony of  
24 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.