

BILL ANALYSIS

H.B. 3061
By: Herrero
Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Under current law, juror information collected by a court or prosecuting attorney during the jury selection process is confidential and may not be disclosed by the court, the prosecuting attorney, the defense counsel, or any court personnel. In a capital case, if the case is directly appealed, the case proceeds to the habeas corpus process, and as part of the habeas corpus investigation, post-conviction counsel investigates the events that occurred in the original investigation and trial of the case, including information about the jury. Because the juror information is confidential and is the only part of the case record that does not automatically transfer to post-conviction counsel, post-conviction counsel must apply to the trial court for access to the information, which can reportedly take anywhere from one to two months on average and occupy a significant amount of state resources. H.B. 3061 seeks to remedy this situation.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 3061 amends the Code of Criminal Procedure to provide an exception to the prohibition against releasing personal information about a juror collected during the jury selection process by authorizing a defense counsel to disclose that information to successor counsel representing the same defendant in habeas corpus proceedings in a death penalty case without application to the court or a showing of good cause.

EFFECTIVE DATE

September 1, 2013.