

**BILL ANALYSIS**

C.S.H.B. 3633  
By: Canales  
Criminal Jurisprudence  
Committee Report (Substituted)

**BACKGROUND AND PURPOSE**

Modern technology, and the use of smart phones in particular, has made it increasingly easy for jurors to search for, receive, and share with other jurors information about defendants and the crimes of which the defendants are accused, including information that is not presented at trial. However, current law requires appellate counsel for a defendant to show good cause to receive certain juror information, and courts have reportedly required this good cause to be based on sworn testimony or supportive evidence in the court record. Critics argue that jurors' inappropriate use of smart phones to find information about the case that is excluded from the court record does not fit the criteria of good cause under existing law. C.S.H.B. 3633 seeks to remedy this situation by providing an exception for counsel representing a defendant in a postconviction proceeding to access juror information collected by a court so that an appeal or habeas writ could be developed in cases where counsel has reason to believe that inappropriate juror behavior has occurred.

**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**

C.S.H.B. 3633 amends the Code of Criminal Procedure to create an exception to the prohibition against a court disclosing information collected by the court or a prosecuting attorney during jury selection about a juror to require a court to disclose, on written request, such confidential personal juror information that was collected by the court, including copies of any juror summons, to counsel representing a defendant in a postconviction proceeding. The bill does not require a showing of good cause for that disclosure. The bill does not authorize disclosure of such juror information that was collected by a prosecuting attorney.

**EFFECTIVE DATE**

September 1, 2013.

**COMPARISON OF ORIGINAL AND SUBSTITUTE**

While C.S.H.B. 3633 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and highlighted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED	HOUSE COMMITTEE SUBSTITUTE
SECTION 1. Article 35.29, Code of Criminal Procedure, is amended to read as	SECTION 1. Article 35.29, Code of Criminal Procedure, is amended to read as

follows:

Art. 35.29. PERSONAL INFORMATION ABOUT JURORS. (a) Information collected by the court or by a prosecuting attorney during the jury selection process about a person who serves as a juror, including the juror's home address, home telephone number, social security number, driver's license number, and other personal information, is confidential and may not be disclosed by the court, the prosecuting attorney, ~~[the defense]~~ counsel representing the defendant at trial or in a subsequent proceeding, or any court personnel except as otherwise provided by this article.

(b) Information described by Subsection (a) may be disclosed to [on application by] a party in the trial or [on application by] a bona fide member of the news media acting in such capacity. The [to the court in which the person is serving or did serve as a juror. On a showing of good cause, the] court shall permit disclosure of the information only after an application for the information is made and good cause for receiving the information is shown [sought].

(c) On a written request, the court shall disclose the information described by Subsection (a), including providing copies of any juror summons, to counsel representing the defendant in a subsequent proceeding. A showing of good cause is not required for a disclosure under this subsection.

SECTION 2. The change in law made by this Act applies only to a jury selected on or after the effective date of this Act. A jury selected before the effective date of this Act is governed by the law in effect on the date the jury was selected, and the former law is continued in effect for that purpose.

SECTION 3. This Act takes effect September 1, 2013.

follows:

Art. 35.29. PERSONAL INFORMATION ABOUT JURORS. (a) Information collected by the court or by a prosecuting attorney during the jury selection process about a person who serves as a juror, including the juror's home address, home telephone number, social security number, driver's license number, and other personal information, is confidential and may not be disclosed by the court, the prosecuting attorney, ~~[the defense]~~ counsel representing the defendant at trial or in a postconviction proceeding, or any court personnel except as otherwise provided by this article.

(b) Information described by Subsection (a) may be disclosed to [on application by] a party in the trial or [on application by] a bona fide member of the news media acting in such capacity. The [to the court in which the person is serving or did serve as a juror. On a showing of good cause, the] court shall permit disclosure of the information only after an application for the information is made and good cause for receiving the information is shown [sought].

(c) On a written request, the court shall disclose the information described by Subsection (a) that was collected by the court, including providing copies of any juror summons, to counsel representing the defendant in a postconviction proceeding. A showing of good cause is not required for a disclosure under this subsection. This subsection does not authorize the disclosure of information described by Subsection (a) that was collected by a prosecuting attorney.

SECTION 2. Same as introduced version.

SECTION 3. Same as introduced version.