BILL ANALYSIS

Senate Research Center   S.B. 270

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Criminal Justice

7/2/2013

Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Under current statute, Article 35.29 (Personal Information About Jurors), Code of Criminal Procedure, juror information is confidential and may not be disclosed by the court, the prosecuting attorney, the defense counsel, or any court personnel. In post-conviction capital defense cases, post-conviction counsel must apply to the trial court for access to juror information. This process takes anywhere from one to two months on average and costs time and resources to the state. S.B. 270 carves out a very narrow exception allowing the defense counsel in the original case to disclose the juror information (juror surveys) to successor counsel in post-conviction cases. This is the only part of the case record that currently does not transfer to new counsel automatically.

S.B. 270 amends current law relating to a limited exception to the prohibition on releasing personal information about a juror collected during the jury selection process in certain cases.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Article 35.29, Code of Criminal Procedure, as follows:

Art. 35.29. PERSONAL INFORMATION ABOUT JURORS. (a) Creates this subsection from existing text. Prohibits certain information collected by the court or by a prosecuting attorney during the jury selection process about a person who serves as a juror, except as provided by Subsections (b) and (c), from being disclosed by the court, the prosecuting attorney, the defense counsel, or any court personnel.

(b) Creates this subsection from existing text. Requires the court, on a showing of good cause, to permit disclosure of information described by Subsection (a) on application by a party in the trial, or on application by a bona fide member of the news media acting in such capacity. Deletes existing text requiring the court to permit disclosure of the information sought on a showing of good cause. Deletes existing text prohibiting disclosure of certain confidential information about jurors except on application by a party in the trial or on application by a bona fide member of the news media acting in such capacity to the court in which the person is serving or did serve as a juror.

(c) Authorizes the defense counsel to disclose information described by Subsection (a) to successor counsel representing the same defendant in a proceeding under Article 11.071 (Procedure in Death Penalty Case) without application to the court or a showing of good cause.

SECTION 2. Provides that the change in law made by this Act applies to an application for a writ of habeas corpus under Article 11.071, Code of Criminal Procedure, that is pending on the effective date of this Act or filed on or after that date.

SECTION 3. Effective date: September 1, 2013.