

By: Ellis

S.B. No. 1250

A BILL TO BE ENTITLED

AN ACT

relating to certain rights of witnesses who appear before a grand jury; providing a penalty.

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

SECTION 1. Article 20.011(a), Code of Criminal Procedure, is amended to read as follows:

(a) Only the following persons may be present in a grand jury room while the grand jury is conducting proceedings:

(1) grand jurors;

(2) bailiffs;

(3) the attorney representing the state;

(4) witnesses while being examined or when necessary to assist the attorney representing the state in examining other witnesses or presenting evidence to the grand jury;

(5) interpreters, if necessary;

(6) a stenographer or person operating an electronic recording device, as provided by Article 20.012; ~~and~~

(7) a person operating a video teleconferencing system for use under Article 20.151; and

(8) an attorney representing a witness, including a witness who is an accused or suspected person, during the time the witness is being examined or offering testimony to the grand jury and for the sole purpose of providing consultation in the manner described by Article 20.03(c).

1 SECTION 2. Article 20.02, Code of Criminal Procedure, is  
2 amended by adding Subsection (i) to read as follows:

3 (i) An attorney representing a witness may not disclose  
4 anything transpiring before the grand jury. An attorney who  
5 discloses information in violation of this subsection is subject to  
6 punishment for contempt in the same manner as a person who violates  
7 Subsection (b).

8 SECTION 3. Article 20.03, Code of Criminal Procedure, is  
9 amended to read as follows:

10 Art. 20.03. ATTORNEY [~~REPRESENTING STATE~~] ENTITLED TO  
11 APPEAR. (a) In this chapter, "attorney ["The attorney]  
12 representing the state [State]" means the attorney general  
13 [Attorney General], district attorney, criminal district attorney,  
14 or county attorney.

15 (b) The attorney representing the state [State] is  
16 entitled to go before the grand jury and inform the grand jurors  
17 [them] of offenses liable to indictment at any time except when the  
18 grand jury is:

19 (1) [they are] discussing the propriety of finding an  
20 indictment; or

21 (2) voting on an indictment [upon the same].

22 (c) A witness who testifies before a grand jury, including a  
23 witness who is an accused or suspected person, is entitled to have  
24 an attorney present while the grand jury is questioning the  
25 witness. The grand jury shall permit the attorney or the witness to  
26 interrupt the questioning at any time so that the witness may  
27 consult with the attorney outside the hearing of the grand jury.

1           SECTION 4.    The change in law made by this Act applies only  
2 to a grand jury proceeding that begins on or after the effective  
3 date of this Act.  A grand jury proceeding that begins before the  
4 effective date of this Act is governed by the law in effect on the  
5 date the proceeding began, and the former law is continued in effect  
6 for that purpose.

7           SECTION 5.    This Act takes effect September 1, 2015.