

By: Reynolds

H.B. No. 392

A BILL TO BE ENTITLED

1 AN ACT

2 relating to grand jury proceedings; providing a criminal penalty.

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

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

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

8 (1) grand jurors;

9 (2) bailiffs;

10 (3) the attorney representing the state;

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

14 (5) interpreters, if necessary;

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

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

19 (8) an attorney representing a witness who is a target  
20 of a grand jury investigation, for the sole purpose of consultation  
21 in the manner described by Article 20.03(c).

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

24 (i) An attorney representing a witness may not disclose

1 anything transpiring before the grand jury. An attorney who  
2 discloses information in violation of this subsection is subject to  
3 punishment for contempt in the same manner as a person who violates  
4 Subsection (b).

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

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

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

16 (1) [~~they are~~] discussing the propriety of finding an  
17 indictment; or

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

19 (c) An attorney representing a witness who is a target of a  
20 grand jury investigation may be present in the grand jury room while  
21 the grand jury is questioning the witness. The grand jury shall  
22 permit the attorney or the witness to interrupt the questioning at  
23 any time so that the witness may consult with the attorney outside  
24 the hearing of the grand jury.

25 SECTION 4. The change in law made by this Act applies only  
26 to a grand jury proceeding that begins on or after the effective  
27 date of this Act. A grand jury proceeding that begins before the

1 effective date of this Act is governed by the law in effect on the  
2 date the proceeding began, and the former law is continued in effect  
3 for that purpose.

4 SECTION 5. This Act takes effect December 1, 2017.