

By: West

S.B. No. 1058

A BILL TO BE ENTITLED

AN ACT

relating to grand jury proceedings; 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 who is a target of a grand jury investigation, for the sole purpose of consultation in the manner described by Article 20.03(c).

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

(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 September 1, 2017.