

By: Hinojosa

H.B. No. 3421

A BILL TO BE ENTITLED

1 AN ACT

2 relating to grand jury proceedings.

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

4 SECTION 1. Article 20A.102(a), Code of Criminal Procedure,  
5 is amended to read as follows:

6 (a) While the grand jury is conducting proceedings, only the  
7 following persons may be present in the grand jury room:

8 (1) a grand juror;

9 (2) a bailiff;

10 (3) the attorney representing the state;

11 (4) an attorney representing the accused or suspected  
12 person, if requested by the grand jury;

13 (5) a witness:

14 (A) while the witness is being examined; or

15 (B) when the witness's presence is necessary to  
16 assist the attorney representing the state in examining another  
17 witness or presenting evidence to the grand jury;

18 (6) [~~5~~] an interpreter, if necessary;

19 (7) [~~6~~] a stenographer or a person operating an  
20 electronic recording device, as provided by Article 20A.201; and

21 (8) [~~7~~] a person operating a video teleconferencing  
22 system for use under Article 20A.259.

23 SECTION 2. Article 20A.104, Code of Criminal Procedure, is  
24 amended to read as follows:

1 Art. 20A.104. PERSONS WHO MAY ADDRESS GRAND JURY. No person  
2 may address the grand jury about a matter before the grand jury  
3 other than:

4 (1) the attorney representing the state;

5 (2) an attorney representing the accused or suspected  
6 person, solely for the purpose of making a presentation and  
7 answering questions, as provided by Article 20A.1031;

8 (3) [~~r~~]a witness; [~~r~~] or

9 (4) the accused or suspected person or an [~~the~~]  
10 attorney representing [~~for~~] the accused or suspected person if  
11 approved by the attorney representing the state.

12 SECTION 3. Subchapter C, Chapter 20A, Code of Criminal  
13 Procedure, is amended by adding Article 20A.1031 to read as  
14 follows:

15 Art. 20A.1031. ATTORNEY REPRESENTING ACCUSED OR SUSPECTED  
16 PERSON ENTITLED TO APPEAR. (a) The grand jury may request that an  
17 attorney representing an accused or suspected person appear before  
18 the grand jury.

19 (b) On the request of the grand jury under Subsection (a),  
20 an attorney representing an accused or suspected person is entitled  
21 to appear before the grand jury solely for the purpose of making a  
22 presentation on behalf of the accused or suspected person and  
23 answering questions from the grand jurors.

24 SECTION 4. The changes in law made by this Act apply only to  
25 a grand jury proceeding that begins on or after the effective date  
26 of this Act. A grand jury proceeding that begins before the  
27 effective date of this Act is governed by the law in effect on the

1 date the proceeding began, and the former law is continued in effect  
2 for that purpose.

3 SECTION 5. This Act takes effect September 1, 2021.