

SUBJECT: Allowing access to juror information for successor counsel in certain cases

COMMITTEE: Criminal Jurisprudence — favorable, without amendment

VOTE: 9 ayes — Herrero, Carter, Burnam, Canales, Hughes, Leach, Moody, Schaefer, Toth

0 nays

WITNESSES: For — (*Registered, but did not testify*: Yannis Banks, Texas NAACP; Rebecca Bernhardt, Texas Defender Service; Kristen Etter, Texas Criminal Defense Lawyers Association; Travis Leete, Texas Criminal Justice Coalition; Andrea Marsh, Texas Fair Defense Project; Matt Simpson, American Civil Liberties Union of Texas)

Against — None

BACKGROUND: Code of Criminal Procedure, art. 35.29 prohibits disclosure of a juror's personal information collected by the court or by a prosecuting attorney during the jury selection process. The information is confidential and may not be disclosed by the court, prosecutor, defense counsel, or court personnel. Under an exception to this rule, the information can be disclosed on application by a party in the trial or on application by a bona fide member of the news media, on a showing of good cause.

DIGEST: HB 3061 would allow defense counsel representing someone in a death penalty case to disclose juror information, without an application to the court or a showing of good cause, to a successor counsel who was filing a writ of habeas corpus in the case.

The bill would take effect September 1, 2013, and would apply to an application for a writ of habeas corpus that was pending on that date or filed on or after that date.