

- SUBJECT:** Access to juror information for successor counsel in certain cases
- COMMITTEE:** Criminal Jurisprudence — favorable, without amendment
- VOTE:** 8 ayes — Herrero, Carter, Burnam, Canales, Leach, Moody, Schaefer, Toth
0 nays
1 absent — Hughes
- SENATE VOTE:** On final passage, March 21 — 31-0, on Local and Uncontested Calendar
- WITNESSES:** (*On House companion bill, HB 3061:*)
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 may 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.
- SUPPORTERS** SB 270 would allow post-conviction counsel in a habeas proceeding of a

SAY: capital case to access juror information directly from the trial counsel, reducing the time and resources currently wasted in pursuit of this information. Currently, post-conviction counsel must apply to the trial court for access to information and spend time and resources traveling to these courts to provide a showing of good cause at a hearing. Juror information is the only part of the case record that does not transfer to successor counsel automatically. Courts do not refuse to provide this information, including the original juror questionnaires and information collected during voir dire, because the post-conviction counsel must investigate the original trial proceedings in order to provide effective and zealous counsel to their clients.

Post-conviction representation in these cases usually is provided by the State Office of Capital Writs, so this process unnecessarily wastes the state's limited resources. SB 270 would streamline this process, reducing waste and allowing for more efficient and effective representation.

**OPPONENTS
SAY:** No apparent opposition.

NOTES: The House companion bill, HB 3061 by Herrero, was placed on the House General State Calendar for May 9, but was not considered. The HRO digest of HB 3061 appears in Part 3 of the Thursday, May 9 *Daily Floor Report*, Number 70.