

- SUBJECT:** Amending disclosure procedures for expert witness information
- COMMITTEE:** Criminal Jurisprudence — committee substitute recommended
- VOTE:** 7 ayes — Herrero, Moody, Canales, Hunter, Leach, Shaheen, Simpson
0 nays
- WITNESSES:** For — (*Registered, but did not testify:* Sarah Pahl, Texas Criminal Justice Coalition)

Against — None

On — Amanda Marzullo, Texas Defender Service
- BACKGROUND:** The Michael Morton Act, enacted in 2013 by the 83rd Legislature through SB 1611 by Ellis, changed discovery procedures in criminal cases. The act removed provisions requiring a defendant to file a motion for disclosure of evidence with the court, and instead required that evidence be produced merely upon the defendant's request.
- The process for disclosure of information related to expert witnesses was not changed by SB 1611 and still requires a defendant to file a motion for disclosure. Under Code of Criminal Procedure, Art. 39. 14(b), on a motion of a party and notice to other parties, the court in which an action is pending may order one or more of the other parties to disclose to the party making the motion the name and address of each expert witness the other party may use at trial.
- DIGEST:** CSHB 510 would amend the Code of Criminal Procedure to require a party that received a request for discovery to disclose to the requesting party the name and address of each expert witness the disclosing party could use at trial. The requirement under CSHB 510 would apply to requests made within 30 days before jury selection in a trial was scheduled to begin or, in a trial without a jury, within 30 days before the presentation of evidence was scheduled to begin.

The bill would change the way in which disclosure had to occur from a manner of disclosure specified by the court to a disclosure made in writing in either hard copy or electronic form.

The bill also would change the date by which the disclosure had to be made from no later than 20 days before trial to no later than 20 days before jury selection was scheduled to begin, or, in a trial without a jury, no later than 20 days before the presentation of evidence. The bill would allow the court, on motion of a party and on notice to the other parties, to order an earlier time by which one or more other parties had to make the disclosure.

The bill would take effect September 1, 2015, and would apply to the prosecution of an offense committed on or after that date.