

## **BILL ANALYSIS**

Senate Research Center

S.B. 978  
By: Shapiro  
Criminal Justice  
5-6-97  
As Filed

### **DIGEST**

Currently, a defense attorney in a case can subpoena a victim in the case, a close relative of a deceased victim in the case, or a guardian of a victim in the case, which, in turn, excludes those persons from the courtroom during the trial. This legislation would allow the victim, close relative of a deceased victim, or a guardian of a victim in the case to remain in the courtroom unless any of those persons had to testify and the court determined that the person's testimony would be materially affected by hearing other testimony at the trial.

### **PURPOSE**

As proposed, S.B. 978 establishes the invocation of the rule in a criminal trial.

### **RULEMAKING AUTHORITY**

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Article 36.05, Code of Criminal Procedure, to prohibit a victim in the case, a close relative of a deceased victim, or a guardian of a victim from being excluded from the courtroom during the trial of the case unless any of those persons are to testify and the court determines that their testimony would be materially affected by hearing other testimony at the trial. Provides that this article does not deprive the judge of the authority to control courtroom decorum by excluding individuals who are emotionally distraught or unruly. Defines "close relative of a deceased victim," "guardian of a victim," and "victim." Makes conforming changes.

SECTION 2. Effective date: September 1, 1997.

SECTION 3. Emergency clause.