

BILL ANALYSIS

Senate Research Center
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S.B. 582
By: Duncan
Criminal Justice
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DIGEST AND PURPOSE

Under current Texas law, judges do not have the discretion to order that defense counsel receive copies of the police reports or witness statements given to the prosecution. Disclosure of this information rests solely on the discretion of the prosecutor. As proposed, S.B. 582 makes it clear that judges have the authority to permit defense counsel to obtain copies of certain information, such as agency reports and witness statements generated by the police before the police deliver these documents to the prosecution.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Article 39.14, Code of Criminal Procedure, by amending Subsection (a) and adding Subsection (c), as follows:

(a) Authorizes the court in which an action is pending, upon motion of the defendant showing good cause therefor and upon notice to the attorney representing the state, rather than other parties, to order the state before or during trial of a criminal action therein pending or on trial to produce and permit the inspection and copying or photographing by or on behalf of the defendant of any designated documents, papers, written statement of the defendant, police reports, and written or recorded witness statements, except the work product of counsel in the case and the notes or reports prepared at the direction of the attorney representing the state and in anticipation of trial, and other certain items which constitute or contain evidence material to any matter involved in the action and which are in the possession, custody or control of the state or any of its agencies. Deletes existing text pertaining to written statements of witnesses, investigators, and reports. Prohibits the rights granted within certain specifications of the order from extending to written communications, other than police reports, between the state or any of its agents or representatives or employees.

(c) Authorizes a judge, as an alternative to ordering under Subsection (a) that a police report or witness statement be produced for inspection and copying or photographing, to require the state to provide to the defendant, at a reasonable cost, a copy of the report or statement.

SECTION 2. Effective date: upon passage or September 1, 2001.