

## **BILL ANALYSIS**

Senate Research Center  
79R4923 RMB-F

H.B. 969  
By: Keel (Hinojosa)  
Criminal Justice  
5/6/2005  
Engrossed

### **AUTHOR'S/SPONSOR'S STATEMENT OF INTENT**

H.B. 969 mandates discovery in a criminal prosecution by the defendant of the prosecution's evidence, except that which is work product or privileged. The amendment changes the current language to require, rather than authorize, the court to order the production of this evidence. The granting of a motion for discovery is still predicated upon a defendant's showing of good cause as well as proper notice and the state's unfettered control of the evidence itself.

### **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(a), Code of Criminal Procedure, to require, rather than authorize, the court in which an action is pending, upon motion of the defendant showing good cause and upon notice to the other parties, to order the state before or during the trial of a criminal action pending or on trial to produce and permit the inspection, copying, and photographing by or on behalf of the defendant of certain evidence which is not privileged and is in the possession, custody, or control of the state or any state agency.

SECTION 2. Makes application of this Act prospective to a motion of discovery filed on or after the effective date of this Act.

SECTION 3. Effective date: upon passage or September 1, 2005.