

## **BILL ANALYSIS**

Senate Research Center  
79R5411 RMB-D

S.B. 560  
By: Carona  
Criminal Justice  
3/2/2005  
As Filed

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

Currently, criminal defense attorneys are not entitled to a copy of a police report. Many district attorneys allow defense attorneys to see or get the police report, but by doing so, a system has been created in which defense attorneys in some counties receive a copy of the police report while defense attorneys in other counties do not. As proposed, S.B. 560 requires the court to release certain documents to a defense attorney and removes the requirement for a defense attorney to show good cause for requesting such documents.

### **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, 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 certain documents 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 relating to showing good cause and excepting written statements of witnesses.

SECTION 2. Makes application of this Act prospective.

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