

BILL ANALYSIS

C.S.H.B. 510
By: Moody
Criminal Jurisprudence
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties contend that recent legislative efforts to make the discovery process in criminal cases less formal and simpler did not succeed in making efficient changes to the procedures related to the discovery of expert witnesses. The parties contend that the necessity of filing a motion and obtaining an order to compel the sharing of information about prospective expert witnesses does not comport with the more automatic and efficient discovery procedures established by that legislation and is potentially a wasted effort since disclosure is mandated by statute. C.S.H.B. 510 seeks to address these concerns by bringing the disclosure of certain information about expert witnesses in line with other established disclosure provisions.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 510 amends the Code of Criminal Procedure to change the disclosure requirement for a party receiving a request for discovery by requiring the party receiving the request to disclose to the requesting party the name and address of each person the disclosing party may use as a witness at trial to present evidence relating to expert testimony. The bill applies the disclosure requirement to a request for discovery made not later than the 30th day before the date that jury selection in the applicable trial is scheduled to begin or, in a trial without a jury, the presentation of evidence is scheduled to begin. The bill changes the manner in which the disclosure must be made from a manner specified by the court to in writing in hard copy form or by electronic means and changes the date by which the disclosure must be made from not later than the 20th day before the date the trial begins to not later than the 20th day before the date that jury selection in the trial is scheduled to begin or, in a trial without a jury, the presentation of evidence is scheduled to begin. The bill authorizes the court, on motion of a party and on notice to the other parties, to order an earlier time at which one or more of the other parties must make the disclosure to the requesting party.

EFFECTIVE DATE

September 1, 2015.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 510 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

SECTION 1. Article 39.14(b), Code of Criminal Procedure, is amended to read as follows:

(b) On ~~[motion of]~~ a party's request made not later than the 30th day before the date the trial begins, the party receiving the request shall ~~[party and on notice to the other parties, the court in which an action is pending may order one or more of the other parties to]~~ disclose to the requesting party ~~[making the motion]~~ the name and address of each person the disclosing ~~[other]~~ party may use at trial to present evidence under Rules 702, 703, and 705, Texas Rules of Evidence. The disclosure must be made in writing in hard copy form or by electronic means ~~[court shall specify in the order the time and manner in which the other party must make the disclosure to the moving party, but in specifying the time in which the other party shall make disclosure the court shall require the other party to make the disclosure]~~ not later than the 20th day before the date the trial begins.

SECTION 2. The change in law made by this Act applies to the prosecution of an offense committed on or after the effective date of this Act. The prosecution of an offense committed before the effective date of this Act is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense is committed before the effective date of this Act if any element of the offense

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Article 39.14(b), Code of Criminal Procedure, is amended to read as follows:

(b) On ~~[motion of]~~ a party's request made not later than the 30th day before the date that jury selection in the trial is scheduled to begin or, in a trial without a jury, the presentation of evidence is scheduled to begin, the party receiving the request shall ~~[party and on notice to the other parties, the court in which an action is pending may order one or more of the other parties to]~~ disclose to the requesting party ~~[making the motion]~~ the name and address of each person the disclosing ~~[other]~~ party may use at trial to present evidence under Rules 702, 703, and 705, Texas Rules of Evidence. Except as otherwise provided by this subsection, the disclosure must be made in writing in hard copy form or by electronic means ~~[The court shall specify in the order the time and manner in which the other party must make the disclosure to the moving party, but in specifying the time in which the other party shall make disclosure the court shall require the other party to make the disclosure]~~ not later than the 20th day before the date that jury selection in the trial is scheduled to begin or, in a trial without a jury, the presentation of evidence is scheduled to begin. On motion of a party and on notice to the other parties, the court may order an earlier time at which one or more of the other parties must make the disclosure to the requesting party ~~[begins]~~.

SECTION 2. Same as introduced version.

occurs before the effective date.

SECTION 3. This Act takes effect
September 1, 2015.

SECTION 3. Same as introduced version.