

BILL ANALYSIS

Senate Research Center
79R12294 RMB-D

C.S.S.B. 560
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Criminal Justice
4/7/2005
Committee Report (Substituted)

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. C.S.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. Further, C.S.S.B. 560 requires the defendant to produce and permit the inspection and reproduction of items the defendant intends to use at trial. Finally, C.S.S.B. 560 sets forth a timeline for compliance with these provisions.

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 (a-1), as follows:

(a) Requires, rather than authorizes, the court in which an action is pending, upon motion of the defendant, to order the state to produce and permit the inspection and reproduction, rather than copying or photographing by or on behalf of the defendant of certain documents and written or recorded statements of any person whom the state intends to call as a witness at trial, 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. Requires the court to require the state to comply with this subsection not later than the 60th day before the date the trial begins or as soon as practicable after the defendant makes the motion. Deletes existing text relating to showing good cause and excepting written statements of witnesses.

(a-1) Requires the court in which an action is pending, upon motion of the state, to order the defendant to produce and permit the inspection and reproduction or photographing of a list of tangible objects and photographs the defendant intends to use at trial, and the written or recorded statement of any person other than the defendant whom the defendant intends to call as a witness at trial (except the work product of counsel in the case and their investigators and their notes or report). Requires the court to require the defendant to comply with this subsection not later than the 20th day before the date the trial begins or as soon as practicable after the state makes the motion.

SECTION 2. Makes application of this Act prospective.

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