

## **BILL ANALYSIS**

Senate Research Center  
80R6046 UM-F

S.B. 643  
By: Carona  
Criminal Justice  
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As Filed

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

Under current law, criminal defense attorneys are not entitled to a copy of evidence in the state's possession, such as a defendant's police report. Many individual district attorneys throughout the state permit defense attorneys to review or obtain the state's evidence, but some do not, thereby creating an inconsistency in the state judicial system whereby some defendants and their counsels have the benefit of the use of evidence in the state's possession to prepare for trial and others do not.

As proposed, S.B. 643 requires the release of certain evidence in the state's possession to a defendant within 30 days of the filing of an information or indictment, and removes the requirement that a defendant must 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 the court, subject to reasonable terms and conditions as determined by the court, to order the state to produce to the defendant any evidence in the state's possession to be made not later than the 30<sup>th</sup> day after the date of the filing of the information or indictment, rather than upon a motion by the defendant showing good cause therefor. Requires the state to supplement or amend as necessary any ordered discovery under this subsection within a reasonable period. Deletes existing text excepting witnesses' written statements from being produced to the defense. Makes conforming and nonsubstantive changes.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2007.