

## **BILL ANALYSIS**

Senate Research Center  
84R17584 JRR-F

H.B. 510  
By: Moody (Ellis)  
Criminal Justice  
5/17/2015  
Engrossed

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

The 83rd Legislature's Michael Morton Act comprehensively overhauled the discovery process for Texas criminal cases. The Act reformed the Texas criminal discovery statute in the Code of Criminal Procedure to ensure more open and transparent discovery in all criminal cases and to improve the reliability of criminal convictions. However, the Act did not change the discovery of expert witnesses, which remains covered by Article 39.14 (b), Code of Criminal Procedure.

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 also 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.

H.B. 510 amends current law relating to disclosure of certain information about expert witnesses in a criminal case.

### **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(b), Code of Criminal Procedure, as follows:

(b) Requires the party receiving the request, on 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, to disclose to the requesting party the name and address of each person the disclosing party may use at trial to present evidence under Rules 702, 703, and 705, Texas Rules of Evidence, rather than authorizes the court in which an action is pending, on motion of party and on notice to the other parties, to order one or more of the other parties to disclose to the party making the motion the name and address of each person the other party may use at trial to present evidence under Rules 702, 703, and 705, Texas Rules of Evidence. Requires that the disclosure, except as otherwise provided by this subsection, be made in writing in hard copy form or by electronic means 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. 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. Deletes existing text requiring the court to

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. Provides that 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. Provides that 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. Provides that an offense is committed before the effective date of this Act, for purposes of this section, if any element of the offense occurs before the effective date.

SECTION 3. Effective date: September 1, 2015.