

BILL ANALYSIS

Senate Research Center

C.S.S.B. 857
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Jurisprudence
3-25-97
Committee Report (Substituted)

DIGEST

Currently, Texas law requires that subpoena applications in criminal cases be in writing, sworn to, and filed with the other papers in the case. With the availability of extensive technology, this practice has created a bottleneck. Most counties throughout Texas are currently using computer technology to speed along the judicial process and make it more cost effective to taxpayers. This bill will authorize the filing of subpoena applications either in writing or by electronic means, and delete the requirements that filings be sworn to and that a paper copy of the application be placed with the other papers in the case.

PURPOSE

As proposed, C.S.S.B. 857 authorizes the filing of subpoena applications either in writing or by electronic means, and deletes the requirements that filings be sworn to and that a paper copy of the application be placed with the other papers in the case.

RULEMAKING AUTHORITY

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Article 24.03(a), Code of Criminal Procedure, to require a defendant or the state's attorney to make an application in writing or by electronic means to the clerk of the court before the clerk or his deputy shall be required or permitted to issue a subpoena in any felony case pending in any district or criminal district court of this state. Deletes a requirement that the application be placed with the papers in the cause. Makes a conforming and nonsubstantive change.

SECTION 2. Emergency clause.
Effective date: upon passage.

SUMMARY OF COMMITTEE CHANGES

SECTION 1.

Amends Article 24.03(a), Code of Criminal Procedure, to delete a requirement that the application be sworn and that the application be placed with the papers in the cause.