

BILL ANALYSIS

Senate Research Center
81R11241 JRH-F

S.B. 1673
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Jurisprudence
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

H.B. 587, 80th Legislature, Regular Session, 2007, was passed to ensure that grand jury subpoenas and summons are kept confidential. However, language under Article 20.02(h), Code of Criminal Procedure, prohibits persons from revealing that they were subpoenaed by a grand jury at any time and sets no time limits. This language may be construed to be used to intimidate the media from reporting on issues that might come before a grand jury. In addition, due to the broadness of the language, a subpoena may be used as a gag tactic in order to prevent coverage of a newsworthy event.

As proposed, S.B. 1673 amends current law relating to the secrecy of a grand jury subpoena or summons. This bill clarifies that the secrecy of a grand jury subpoena does not apply if the communication was made during the course of an attorney-client relationship or by a news media employee acting in a news-gathering capacity.

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 20.02, Code of Criminal Procedure, by amending Subsection (h) and adding Subsections (i) and (j), as follows:

(h) Provides that this subsection may not be construed to limit a disclosure permitted by Subsection (i). Makes a nonsubstantive change.

(i) Provides that Subsection (h) does not apply to a disclosure made in the course of an attorney-client relationship or a news media employee who is engaging in a news-gathering activity.

(j) Defines "news media."

SECTION 2. Effective date: September 1, 2009.