Let Families See the Evidence — Privately

Lets a prosecutor show a murdered person's family the evidence before trial — privately — without making it public for everyone.

90TH LEGISLATURE • PROPOSAL
Amends Government Code §552.108
Status: draft — ready for an author

GUIDING PRINCIPLES
Give victims access to evidence when appropriate • Support victims through the criminal justice system

CHAMPION SOUGHT
Author / co-author / endorser / testifier / adviser — whichever role your group can take

THE ASK We ask victims' advocacy organisations to **champion, endorse, testify for, or advise on** this bill — and members of the 90th Legislature to consider authoring it. No organisation is a supporter until it commits.

1 — THE PROBLEM VICTIMS FACE TODAY

Texas public-information law has a trap in it: what a prosecutor shows one person can be demanded by anyone, so preparing a family risks handing the evidence to the media. One family waited over six months for their daughter's autopsy report — and had it for 13 minutes before it became public and the reporters started calling. With no safe way to prepare them, families first meet the most graphic evidence at trial, near the accused.

2 — WHAT THIS BILL DOES

- **Extends the 2023 family-viewing law** (SB 435) to a defined list: medical examiner reports and autopsy photographs, crime video and audio, 911 recordings, forensic and laboratory reports, and offence reports — in death cases, for surviving family members themselves (close relatives, including stepparents) only, whose attorney may attend. No designated representative may stand in for family.
- **Keeps the prosecutor in control.** Sharing is always the prosecutor's choice; anything that could reasonably jeopardise the investigation, prosecution, or anyone's safety may be withheld — but a prosecutor who declines or delays must give the reason in writing, with an estimated date.
- **Deliberately does not** make any record public or change defence discovery; witness statements and suspect interviews are excluded entirely. A severable second part adds screened access once a conviction is completely final.

3 — HOW IT HELPS VICTIMS

BEFORE	AFTER
A family waits months, holds the autopsy report for 13 minutes before it is public, and first sees the photographs at trial.	The prosecutor can prepare the family privately, beforehand, under a confidentiality agreement — and a "not yet" comes with a reason in writing and a date, not silence.

> *"We had Cayley's autopsy report for thirteen minutes before it became public and the reporters started calling."*
> — Lawrence Baitland, father of Cayley Mandadi, murdered October 29, 2017

4 — BALANCE & SAFEGUARDS

The accused's rights come first. An acquitted or never-sentenced person's own evidence — his phone data, for example — is never accessible, except the victim's own property. Defence discovery and disclosure duties are untouched, and a breach is no ground to suppress evidence or dismiss a case. Material is view-only, except copies of reports already public; recording or passing on graphic material is an offence with a civil remedy.

5 — HOW HARD WILL THIS BE TO PASS?

●●●○○ **Moderate**

The core extends a law passed 31–0 and 135–0 in 2023 — but that was a different Legislature. The House and governorship have changed parties; the Senate stays Republican (19–12) under a new lieutenant governor. Likely stall point: open-government pushback on breadth in committee. Fallback: the post-finality part is severable — the core can move alone.

6 — RISKS & MITIGATIONS

RISK / OBJECTION	MITIGATION IN THE BILL OR MESSAGE
"Selective disclosure" favours insiders over the public	Nothing is disclosed publicly; no record's status changes. A private viewing is not a public release — the distinction drawn unanimously in 2023.
Graphic material leaks or is redistributed	View-only under a confidentiality agreement; recording or redistributing it is an offence, with a civil remedy.
Fair-trial harm; the post-finality part stalls the bill	Witness statements and suspect interviews excluded; the accused's own evidence barred; the post-finality part is severable.

7 — WHO IS LIKELY WITH US — AND AGAINST US

POTENTIAL ALLIES

Texas Crime Victims United — survivor-run; mission fits directly. Status: to approach.

Texas Council on Family Violence — backed the adjacent 2025 evidence-information rights. Ask: endorse, testify.

Santa Fe shooting families — the constituency the 2023 law was passed for. Ask: testify.

LIKELY OPPONENTS

Freedom of Information Foundation of Texas / press — transparency, selective disclosure.

Criminal defence bar — fair-trial, witness-shaping concerns.

Some prosecutors — breadth and leak worries; consult their association before filing.

Best counter: letting a family see is not making the record public.

8 — POTENTIAL AUTHORS FROM BILL SCORING

CANDIDATE	SCORE*	WHY THEY FIT
Rep. Greg Bonnen — House, HD 24	**60**	House sponsor of the 2023 law this bill extends; the advocates' own representative.
Sen. Joan Huffman — Senate, SD 17	**71**	Carried more victims' bills than anyone in the Senate (12 scored bills, 10 became law).
Sen. Juan "Chuy" Hinojosa — Senate, SD 20	**64.5**	Authored seven victims' bills in the 89th session — all seven passed; co-authored the session's biggest victims' rights bill with Sen. Huffman.

* Score = the advocates' prior bill-scoring rating (89th Legislature backtest). The 2023 law's Senate author has left the Senate: re-verify rosters and committees in January. Results are unofficial until the canvass.

COST
No significant fiscal note expected — permissive; works through existing prosecutor offices.

EVIDENCE IT CAN WORK
The 2023 version passed the Senate 31–0 and the House 135–0; Florida protects the same interest by law.

NEXT STEP
A 20-minute briefing, then a yes or no on championing. Contact: Lawrence Baitland.