DRAFT — PREPARED FOR DISCUSSION AND LEGISLATIVE COUNCIL DRAFTING — NOT FILED

90th Legislature, Regular Session

By: _____ H.B. No. _____

A BILL TO BE ENTITLED
AN ACT

relating to the release of a copy of a transcript of a criminal case by the attorney representing the state to a victim or a close relative of a deceased victim.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter B, Chapter 56A, Code of Criminal Procedure, is amended by adding Article 56A.0515 to read as follows:

Art. 56A.0515. RELEASE OF TRANSCRIPT COPY TO VICTIM OR CLOSE RELATIVE OF DECEASED VICTIM.

(a) In this article:

(1) "Close relative of a deceased victim" has the meaning assigned by Article 56A.001, except that the term includes a stepparent of a deceased victim who married the deceased victim's parent while the deceased victim was younger than 18 years of age.

(2) "Eligible person" means:

(A) a victim;

(B) a guardian of a victim;

(C) a close relative of a deceased victim.

(3) "Transcript" means a transcript prepared by a court reporter of:

(A) the trial in a criminal case, including the punishment phase of the trial;

(B) an appeal in the case; or

(C) a revocation hearing or a parole-related hearing held in connection with the case.

(b) On the written request of an eligible person, the attorney representing the state shall release to the eligible person a copy of a transcript that is in the possession of the attorney representing the state.

(c) The attorney representing the state may not release a copy of a transcript under this article unless the victim assistance coordinator for the office of the attorney representing the state has determined, from the records of the case, that the requesting person is an eligible person.

(d) A copy released under this article must be released:

(1) in electronic form, at no charge to the eligible person, if the transcript is in the possession of the attorney representing the state in electronic form; or

(2) in paper form, if the transcript is not in the possession of the attorney representing the state in electronic form, and the attorney representing the state may charge the eligible person a duplication fee in an amount not to exceed $50.

(e) An eligible person is entitled to receive only one copy of a transcript under this article.

(f) This article does not require the release of a portion of a transcript that is sealed, was taken in camera, or is subject to a protective order or another court order restricting disclosure. The attorney representing the state may redact a portion described by this subsection from a copy released under this article.

(g) Nothing in this article:

(1) requires the attorney representing the state to prepare, order, pay for, or otherwise obtain a transcript that is not in the attorney's possession;

(2) imposes a duty on a court reporter or a clerk of a court; or

(3) reduces or otherwise affects a fee owed under Section 52.047, Government Code, for the preparation of a transcript or for a copy of a transcript furnished by a court reporter.

(h) Nothing in this article limits the right of a person to apply for and obtain a transcript under Section 52.047, Government Code, or under other law.

SECTION 2. The change in law made by this Act applies only to a request made on or after the effective date of this Act, regardless of when the transcript was prepared.

SECTION 3. This Act takes effect September 1, 2027.