

CODE OF CRIMINAL PROCEDURE

TITLE 1. CODE OF CRIMINAL PROCEDURE

CHAPTER 20A. GRAND JURY PROCEEDINGS

SUBCHAPTER A. GENERAL PROVISIONS

Art. 20A.001. DEFINITIONS. In this chapter:

(1) "Attorney representing the state" means the attorney general, district attorney, criminal district attorney, or county attorney.

(2) "Foreperson" means the foreperson of the grand jury appointed under Article [19A.203](#).

Added by Acts 2019, 86th Leg., R.S., Ch. 469 (H.B. [4173](#)), Sec. 1.04, eff. January 1, 2021.

SUBCHAPTER B. DUTIES OF GRAND JURY AND GRAND JURORS

Art. 20A.051. DUTIES OF GRAND JURY. The grand jury shall inquire into all offenses subject to indictment of which any grand juror may have knowledge or of which the grand jury is informed by the attorney representing the state or by any other credible person.

Added by Acts 2019, 86th Leg., R.S., Ch. 469 (H.B. [4173](#)), Sec. 1.04, eff. January 1, 2021.

Art. 20A.052. DUTIES AND POWERS OF FOREPERSON. (a) The foreperson shall:

(1) preside over the grand jury's sessions; and
(2) conduct the grand jury's business and proceedings in an orderly manner.

(b) The foreperson may appoint one or more of the grand jurors to act as clerks for the grand jury.

Added by Acts 2019, 86th Leg., R.S., Ch. 469 (H.B. [4173](#)), Sec. 1.04, eff. January 1, 2021.

Art. 20A.053. MEETING AND ADJOURNMENT. The grand jury shall meet and adjourn at times agreed on by a majority of the grand jury, except that the grand jury may not adjourn for more than three consecutive days unless the court consents to the adjournment. With the court's consent, the grand jury may adjourn for a longer period and shall conform the grand jury's adjournments as closely as possible to the court's adjournments.

Added by Acts 2019, 86th Leg., R.S., Ch. 469 (H.B. [4173](#)), Sec. 1.04, eff. January 1, 2021.

SUBCHAPTER C. GRAND JURY ROOM; PERSONS AUTHORIZED TO BE PRESENT

Art. 20A.101. GRAND JURY ROOM. After the grand jury is organized, the grand jury shall discharge the grand jury's duties in a suitable place that the sheriff shall prepare for the grand jury's sessions.

Added by Acts 2019, 86th Leg., R.S., Ch. 469 (H.B. [4173](#)), Sec. 1.04, eff. January 1, 2021.

Art. 20A.102. PERSONS WHO MAY BE PRESENT IN GRAND JURY ROOM. (a) While the grand jury is conducting proceedings, only the following persons may be present in the grand jury room:

- (1) a grand juror;
- (2) a bailiff;
- (3) the attorney representing the state;
- (4) a witness:

(A) while the witness is being examined; or
(B) when the witness's presence is necessary to assist the attorney representing the state in examining another witness or presenting evidence to the grand jury;

- (5) an interpreter, if necessary;

(6) a stenographer or a person operating an electronic recording device, as provided by Article [20A.201](#); and

(7) a person operating a video teleconferencing system for use under Article [20A.259](#).

(b) While the grand jury is deliberating, only a grand juror may be present in the grand jury room.

Added by Acts 2019, 86th Leg., R.S., Ch. 469 (H.B. [4173](#)), Sec. 1.04, eff. January 1, 2021.

Art. 20A.103. ATTORNEY REPRESENTING STATE ENTITLED TO APPEAR. The attorney representing the state is entitled to appear before the grand jury and inform the grand jury of offenses subject to indictment at any time except when the grand jury is discussing the propriety of finding an indictment or is voting on an indictment.

Added by Acts 2019, 86th Leg., R.S., Ch. 469 (H.B. [4173](#)), Sec. 1.04, eff. January 1, 2021.

Art. 20A.104. PERSONS WHO MAY ADDRESS GRAND JURY. No person may address the grand jury about a matter before the grand jury other than the attorney representing the state, a witness, or the accused or suspected person or the attorney for the accused or suspected person if approved by the attorney representing the state.

Added by Acts 2019, 86th Leg., R.S., Ch. 469 (H.B. [4173](#)), Sec. 1.04, eff. January 1, 2021.

SUBCHAPTER D. ADVICE TO GRAND JURY

Art. 20A.151. ADVICE FROM ATTORNEY REPRESENTING STATE. The grand jury may send for the attorney representing the state and ask the attorney's advice on any matter of law or on any question regarding the discharge of the grand jury's duties.

Added by Acts 2019, 86th Leg., R.S., Ch. 469 (H.B. [4173](#)), Sec. 1.04, eff. January 1, 2021.

Art. 20A.152. ADVICE FROM COURT. (a) The grand jury may seek and receive advice from the court regarding any matter before the grand jury. For that purpose, the grand jury shall go into court in a body.

(b) The grand jury shall ensure that the manner in which the grand jury's questions are asked does not divulge the particular accusation pending before the grand jury.

(c) The grand jury may submit questions to the court in writing. The court may respond to those questions in writing.

Added by Acts 2019, 86th Leg., R.S., Ch. 469 (H.B. [4173](#)), Sec. 1.04, eff. January 1, 2021.

SUBCHAPTER E. RECORDING AND DISCLOSURE OF GRAND JURY PROCEEDINGS

Art. 20A.201. RECORDING OF ACCUSED OR SUSPECTED PERSON'S TESTIMONY; RETENTION OF RECORDS. (a) The examination of an accused or suspected person before the grand jury and that person's testimony shall be recorded by a stenographer or by use of an electronic device capable of recording sound.

(b) The validity of a grand jury proceeding is not affected by an unintentional failure to record all or part of the examination or testimony under Subsection (a).

(c) The attorney representing the state shall maintain possession of all records other than stenographer's notes made under Subsection (a) and any typewritten transcription of those records, except as otherwise provided by this subchapter.

Added by Acts 2019, 86th Leg., R.S., Ch. 469 (H.B. [4173](#)), Sec. 1.04, eff. January 1, 2021.

Art. 20A.202. PROCEEDINGS SECRET. (a) Grand jury proceedings are secret.

(b) A subpoena or summons relating to a grand jury proceeding or investigation must be kept secret to the extent and for as long as necessary to prevent the unauthorized disclosure of a matter before the grand jury. This subsection may not be construed to limit a disclosure permitted by Article [20A.204](#)(b), (c), or (d) or [20A.205](#)(a) or (b).

Added by Acts 2019, 86th Leg., R.S., Ch. 469 (H.B. [4173](#)), Sec. 1.04, eff. January 1, 2021.

Art. 20A.203. DISCLOSURE BY PERSON IN PROCEEDING PROHIBITED. (a) A grand juror, bailiff, interpreter, stenographer or person operating an electronic recording device, person preparing a typewritten transcription of a stenographic or electronic recording, or person operating a video teleconferencing system for use under Article [20A.259](#) who discloses anything transpiring before the grand jury in the course of the grand jury's official duties, regardless of whether the thing transpiring is recorded, may be punished by a fine not to exceed \$500, as for contempt of court, by a term of confinement not to exceed 30 days, or both.

(b) A witness who reveals any matter about which the witness is examined or that the witness observes during a grand jury proceeding, other than when the witness is required to give evidence on that matter in due course, may be punished by a fine not to exceed \$500, as for contempt of court, and by a term of confinement not to exceed six months.

Added by Acts 2019, 86th Leg., R.S., Ch. 469 (H.B. [4173](#)), Sec. 1.04, eff. January 1, 2021.

Art. 20A.204. DISCLOSURE BY ATTORNEY REPRESENTING STATE.
(a) The attorney representing the state may not disclose

anything transpiring before the grand jury except as permitted by this article or Article [20A.205](#)(a) or (b).

(b) In performing the attorney's duties, the attorney representing the state may disclose or permit a disclosure of a record made under Article [20A.201](#) or a typewritten transcription of that record, or may make or permit a disclosure otherwise prohibited by Article [20A.203](#), to a grand juror serving on the grand jury before which the record was made, another grand jury, a law enforcement agency, or a prosecuting attorney, as the attorney representing the state determines is necessary to assist the attorney in the performance of the attorney's duties.

(c) The attorney representing the state shall warn any person authorized to receive information under Subsection (b) of the person's duty to maintain the secrecy of the information.

(d) A person who receives information under Subsection (b) and discloses that information for purposes other than those permitted by that subsection may be punished for contempt in the same manner as a person who violates Article [20A.203](#)(a).

Added by Acts 2019, 86th Leg., R.S., Ch. 469 (H.B. [4173](#)), Sec. 1.04, eff. January 1, 2021.

Art. 20A.205. PETITION FOR DISCLOSURE BY DEFENDANT. (a) The defendant may petition a court to order the disclosure of information made secret by Article [20A.202](#), [20A.203](#)(a), or [20A.204](#), including a recording or typewritten transcription under Article [20A.201](#), as a matter preliminary to or in connection with a judicial proceeding. The court may order disclosure of the information if the defendant shows a particularized need.

(b) A petition for disclosure under Subsection (a) must be filed in the district court in which the case is pending. The defendant must also file a copy of the petition with the attorney representing the state, the parties to the judicial proceeding, and any other person the court requires. Each person who receives a copy of the petition under this subsection

is entitled to appear before the court. The court shall provide interested parties with an opportunity to appear and present arguments for or against the requested disclosure.

(c) A person who receives information under this article and discloses that information may be punished for contempt in the same manner as a person who violates Article [20A.203](#)(a).

Added by Acts 2019, 86th Leg., R.S., Ch. 469 (H.B. [4173](#)), Sec. 1.04, eff. January 1, 2021.

SUBCHAPTER F. WITNESSES

Art. 20A.251. IN-COUNTY WITNESS. (a) In term time or vacation, the foreperson or the attorney representing the state may issue a summons or attachment for any witness in the county in which the grand jury sits.

(b) A summons or attachment issued under Subsection (a) may require the witness to appear before the grand jury at a specified time, or immediately, without stating the matter under investigation.

Added by Acts 2019, 86th Leg., R.S., Ch. 469 (H.B. [4173](#)), Sec. 1.04, eff. January 1, 2021.

Art. 20A.252. OUT-OF-COUNTY WITNESS. (a) The foreperson or the attorney representing the state may cause a subpoena or attachment for a witness to be issued to any county in the state by submitting a written application to the district court stating the name and residence of the witness and that the witness's testimony is believed to be material.

(b) A subpoena or attachment issued under this article:

- (1) is returnable to the grand jury in session or to the next grand jury for the county in which the subpoena or attachment was issued, as determined by the applicant; and
- (2) shall be served and returned in the manner prescribed by Chapter [24](#).

(c) A subpoena issued under this article may require the witness to appear and produce records and documents.

(d) A witness subpoenaed under this article shall be compensated as provided by this code.

(e) An attachment issued under this article must command the sheriff or any constable of the county in which the witness resides to serve the witness and to bring the witness before the grand jury at a time and place specified in the attachment.

(f) The attorney representing the state may cause an attachment to be issued under this article in term time or vacation.

Added by Acts 2019, 86th Leg., R.S., Ch. 469 (H.B. [4173](#)), Sec. 1.04, eff. January 1, 2021.

Art. 20A.253. EXECUTION OF PROCESS. (a) A bailiff or other officer who receives process to be served from the grand jury shall immediately execute the process and return the process to:

(1) the foreperson, if the grand jury is in session;
or

(2) the district clerk, if the grand jury is not in session.

(b) If the process is returned unexecuted, the return must state why the process was not executed.

Added by Acts 2019, 86th Leg., R.S., Ch. 469 (H.B. [4173](#)), Sec. 1.04, eff. January 1, 2021.

Art. 20A.254. EVASION OF PROCESS. If the court determines that a witness for whom an attachment has been issued to appear before the grand jury is in any manner wilfully evading the service of the summons or attachment, the court may fine the witness, as for contempt, in an amount not to exceed \$500.

Added by Acts 2019, 86th Leg., R.S., Ch. 469 (H.B. [4173](#)), Sec. 1.04, eff. January 1, 2021.

Art. 20A.255. WITNESS REFUSAL TO TESTIFY. (a) If a witness brought in any manner before a grand jury refuses to testify, the witness's refusal shall be communicated to the attorney representing the state or to the court.

(b) The court may compel a witness described by Subsection (a) to answer a proper question by imposing a fine not to exceed \$500 and by committing the witness to jail until the witness is willing to testify.

Added by Acts 2019, 86th Leg., R.S., Ch. 469 (H.B. [4173](#)), Sec. 1.04, eff. January 1, 2021.

Art. 20A.256. WITNESS OATH. Before each witness is examined, the foreperson or a person under the foreperson's direction shall administer the following oath to the witness: "You solemnly swear that you will not reveal, by your words or conduct, and will keep secret any matter about which you may be examined or that you have observed during the proceedings of the grand jury, and that you will answer truthfully the questions asked of you by the grand jury, or under its direction, so help you God."

Added by Acts 2019, 86th Leg., R.S., Ch. 469 (H.B. [4173](#)), Sec. 1.04, eff. January 1, 2021.

Art. 20A.257. EXAMINATION OF WITNESSES. (a) Only a grand juror or the attorney representing the state may examine a witness before the grand jury.

(b) The attorney representing the state shall advise the grand jury regarding the proper mode of examining a witness.

(c) If a felony has been committed in any county in the grand jury's jurisdiction, and the name of the offender is known

or unknown or if it is uncertain when or how the felony was committed, the grand jury shall first state the subject matter under investigation to a witness called before the grand jury and may then ask questions relevant to the transaction in general terms and in a manner that enables a determination as to whether the witness has knowledge of the violation of any particular law by any person, and if so, by what person.

Added by Acts 2019, 86th Leg., R.S., Ch. 469 (H.B. [4173](#)), Sec. 1.04, eff. January 1, 2021.

Art. 20A.258. EXAMINATION OF ACCUSED OR SUSPECTED PERSON.

(a) Before the examination of an accused or suspected person who is subpoenaed to appear before the grand jury, the person shall be:

(1) provided the warnings described by Subsection (b) orally and in writing; and

(2) given a reasonable opportunity to:

(A) retain counsel or apply to the court for an appointed attorney; and

(B) consult with counsel before appearing before the grand jury.

(b) The warnings required under Subsection (a)(1) must consist of the following:

"Your testimony before this grand jury is under oath. Any material question that is answered falsely before this grand jury subjects you to being prosecuted for aggravated perjury. You have the right to refuse to make answers to any question, the answer to which would incriminate you in any manner. You have the right to have a lawyer present outside this chamber to advise you before making answers to questions you feel might incriminate you. Any testimony you give may be used against you at any subsequent proceeding. If you are unable to employ a lawyer, you have the right to have a lawyer appointed to advise you before making an answer to a question, the answer to which you feel might incriminate you."

(c) In examining an accused or suspected person, the grand jury shall:

(1) first state:

(A) the offense of which the person is accused or suspected;

(B) the county in which the offense is alleged to have been committed; and

(C) as closely as possible, the time the offense was committed; and

(2) direct the examination to the offense under investigation.

Added by Acts 2019, 86th Leg., R.S., Ch. 469 (H.B. [4173](#)), Sec. 1.04, eff. January 1, 2021.

Art. 20A.259. PEACE OFFICER TESTIMONY BY VIDEO TELECONFERENCING. (a) With the consent of the foreperson and the attorney representing the state, a peace officer summoned to testify before the grand jury may testify through the use of a closed circuit video teleconferencing system that provides a simultaneous, encrypted, compressed full motion video and interactive communication of image and sound between the officer, the grand jury, and the attorney representing the state.

(b) In addition to being administered the oath required under Article [20A.256](#), before being examined, a peace officer testifying through the use of a closed circuit video teleconferencing system under this article shall affirm that the officer's testimony:

(1) cannot be heard by any person other than a person in the grand jury room; and

(2) is not being recorded or otherwise preserved by any person at the location from which the officer is testifying.

(c) Testimony received from a peace officer under this article shall be recorded in the same manner as other testimony taken before the grand jury and shall be preserved.

Added by Acts 2019, 86th Leg., R.S., Ch. 469 (H.B. [4173](#)), Sec. 1.04, eff. January 1, 2021.

SUBCHAPTER G. INDICTMENT

Art. 20A.301. VOTING ON INDICTMENT. After all the testimony accessible to the grand jury has been given with respect to any criminal accusation, the grand jury shall vote on the presentment of an indictment. If at least nine grand jurors concur in finding the bill, the foreperson shall make a memorandum of the vote with any information enabling the attorney representing the state to prepare the indictment.

Added by Acts 2019, 86th Leg., R.S., Ch. 469 (H.B. [4173](#)), Sec. 1.04, eff. January 1, 2021.

Art. 20A.302. PREPARATION OF INDICTMENT. (a) The attorney representing the state shall prepare, with as little delay as possible, each indictment found by the grand jury and shall deliver the indictment to the foreperson. The attorney shall endorse on the indictment the name of each witness on whose testimony the indictment was found.

(b) The foreperson shall officially sign each indictment prepared and delivered under Subsection (a).

Added by Acts 2019, 86th Leg., R.S., Ch. 469 (H.B. [4173](#)), Sec. 1.04, eff. January 1, 2021.

Art. 20A.303. PRESENTMENT OF INDICTMENT. When an indictment is ready to be presented, the grand jury shall, through the foreperson, deliver the indictment to the judge or court clerk. At least nine grand jurors must be present to deliver the indictment.

Added by Acts 2019, 86th Leg., R.S., Ch. 469 (H.B. [4173](#)), Sec. 1.04, eff. January 1, 2021.

Art. 20A.304. PRESENTMENT OF INDICTMENT ENTERED IN RECORD.

(a) If the defendant is in custody or under bond at the time the indictment is presented, the fact of the presentment shall be entered in the court's record, noting briefly the style of the criminal action, the file number of the indictment, and the defendant's name.

(b) If the defendant is not in custody or under bond at the time the indictment is presented, the indictment may not be made public and the entry in the court's record relating to the indictment must be delayed until the capias is served and the defendant is placed in custody or under bond.

Added by Acts 2019, 86th Leg., R.S., Ch. 469 (H.B. [4173](#)), Sec. 1.04, eff. January 1, 2021.