

CHAPTER 144

S.B. No. 427

An Act relating to the use of a photograph of stolen property as evidence in a criminal case and to certain rights of discovery and inspection; adding Article 38.34 to Chapter 38, Code of Criminal Procedure, 1965, as amended.

*Be it enacted by the Legislature of the State of Texas:*

**SECTION 1.** Chapter 38, Code of Criminal Procedure, 1965, as amended, is amended by adding Article 38.34 to read as follows:

*“Article 38.34. PHOTOGRAPHIC EVIDENCE IN THEFT CASES. (a) As used herein, the term ‘property’ means tangible personal property offered for sale or lease by a person engaged in the business of selling goods or services to buyers.*

*“(b) A photograph of property which a person is alleged to have unlawfully appropriated with the intent to deprive the owner of such property is admissible into evidence under rules of law governing the admissibility of photographs and such photograph is as admissible in evidence as the property itself.*

*“(c) The provisions of Article 18.16 of this code concerning the bringing of stolen property before a magistrate for examination are complied with if a photograph of the stolen property is brought before the magistrate.*

*“(d) The defendant’s rights of discovery and inspection of tangible physical evidence are satisfied if a photograph of the tangible property is made available to the defendant by the state upon order of any court having jurisdiction over the cause.”*

**SECTION 2.** This Act takes effect September 1, 1985.

**SECTION 3.** The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

Passed the Senate on March 13, 1985, by a viva-voce vote; passed the House on May 9, 1985, by a non-record vote.

Approved: May 24, 1985

Effective: September 1, 1985