

## **BILL ANALYSIS**

S.B. 116  
By: Ellis  
Criminal Jurisprudence  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

According to the national Innocence Project, approximately 25 percent of the 234 DNA wrongful convictions involve defendants who made false confessions, admissions, or statements to law enforcement officials. Three of Texas' 39 DNA wrongful convictions involved false confessions. Another problem that police face in the interrogation room is false accusations of coercion and abuse by suspects.

The best way to prevent and identify false confessions and protect officers from false accusations of abuse is by recording custodial interrogations.

S.B. 116 provides that, when practical, a custodial interrogation should be recorded, in its entirety, using audio-visual equipment or audio equipment. S.B. 116 requires the Department of Public Safety of the State of Texas to adopt rules for providing funds or electronic recording equipment to law enforcement agencies.

### **RULEMAKING AUTHORITY**

Rulemaking authority is expressly granted to the Department of Public Safety of the State of Texas in SECTION 1 (Article 2.31, Code of Criminal Procedure) of this bill.

### **ANALYSIS**

SECTION 1. Amends Chapter 2, Code of Criminal Procedure, by adding Article 2.31, as follows:

Art. 2.31. ELECTRONIC RECORDING OF CERTAIN CUSTODIAL INTERROGATIONS. (a) Provides that, when practical, a peace officer conducting a custodial interrogation of a person suspected of engaging in conduct that violates a penal law of any grade of felony, including a juvenile, should, using audio-visual equipment or audio equipment, record the entire custodial interrogation, including the warnings described by Section 2 (providing that no written statements made by an accused as a result of custodial interrogation is admissible as evidence against the person unless certain actions have occurred), Article 38.22 (When Statements May Be Used).

(b) Requires the Department of Public Safety (DPS) to adopt rules for providing funds or electronic recording equipment to law enforcement agencies in this state for recording interrogations of criminal defendants or suspects, including juveniles.

(c) Provides that nothing in this article affects the admissibility of a statement that is otherwise admissible as evidence in a criminal proceeding.

SECTION 2. Effective date September 1, 2009.

### **EFFECTIVE DATE**

September 1, 2009.