

By: Castro

H.B. No. 4052

A BILL TO BE ENTITLED

AN ACT

relating to the admissibility of certain news media recordings in a criminal proceeding.

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

SECTION 1. Chapter 38, Code of Criminal Procedure, is amended by adding Article 38.28 to read as follows:

Art. 38.28. NEWS MEDIA RECORDINGS. Extrinsic evidence of the authenticity of evidence as a condition precedent to the admissibility of the evidence in a criminal proceeding is not required with respect to a recording that purports to be a news media recording broadcast by a radio or television station that held at the time of the recording a license issued by the Federal Communications Commission.

SECTION 2. Rules 901 and 902, Texas Rules of Evidence, are disapproved to the extent that those rules require extrinsic evidence of the authenticity of evidence as a condition precedent to the admissibility of the evidence in a criminal proceeding with respect to a recording that purports to be a news media recording broadcast by a radio or television station that held at the time of the recording a license issued by the Federal Communications Commission.

SECTION 3. The change in law made by this Act applies to the admissibility of evidence in a criminal proceeding that commences on or after the effective date of this Act. The admissibility of

1 evidence in a criminal proceeding that commenced before the
2 effective date of this Act is covered by the law in effect when the
3 proceeding commenced, and the former law is continued in effect for
4 that purpose.

5 SECTION 4. This Act takes effect September 1, 2009.