

1-1 By: Ellis S.B. No. 116
1-2 (In the Senate - Filed November 10, 2008; February 10, 2009,
1-3 read first time and referred to Committee on Criminal Justice;
1-4 April 2, 2009, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 7, Nays 0; April 2, 2009,
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 116 By: Ellis

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to electronically recording certain interrogations.
1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
1-12 SECTION 1. Chapter 2, Code of Criminal Procedure, is
1-13 amended by adding Article 2.31 to read as follows:

1-14 Art. 2.31. ELECTRONIC RECORDING OF CERTAIN CUSTODIAL
1-15 INTERROGATIONS. (a) When practical, a peace officer conducting a
1-16 custodial interrogation of a person suspected of engaging in
1-17 conduct that violates a penal law of any grade of felony, including
1-18 a juvenile, should, using audio-visual equipment or audio
1-19 equipment, record the entire custodial interrogation, including
1-20 the warnings described by Section 2, Article 38.22.

1-21 (b) The Department of Public Safety shall adopt rules for
1-22 providing funds or electronic recording equipment to law
1-23 enforcement agencies in this state for the purpose of recording
1-24 interrogations of criminal defendants or suspects, including
1-25 juveniles.

1-26 (c) Nothing in this article affects the admissibility of a
1-27 statement that is otherwise admissible as evidence in a criminal
1-28 proceeding.

1-29 SECTION 2. This Act takes effect September 1, 2009.

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