

BILL ANALYSIS

C.S.H.B. 2337
By: Gallego
Criminal Jurisprudence
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties report that organized crime groups have begun to use minors for the purpose of engaging in illegal activities. Observers note that the problem is pronounced along the U.S.-Mexico border, where minors illegally cross into the U.S. while carrying drugs, weapons, or other illicit material. These criminal groups may be difficult to prosecute because of the way Texas laws governing the admissibility of child statements in certain courts are structured. Interested parties note that legislation is required to allow a court, under certain circumstances, to admit as evidence a statement made by a child that would otherwise be excluded before the court. C.S.H.B. 2337 seeks to address this concern relating to the admissibility in a court proceeding of certain statements.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 2337 amends the Family Code to specify that provisions of law relating to the admissibility of a child statement and the waiver of any right granted to a child by state or federal law in a proceeding under the Juvenile Justice Code do not preclude the admission of a statement made by the child if the statement, without regard to whether the statement stems from a certain custodial interrogation of the child, is obtained in another state in compliance with the laws of that state or Texas or obtained by a federal law enforcement officer in Texas or another state in compliance with federal laws.

EFFECTIVE DATE

September 1, 2011.

COMPARISON OF ORIGINAL AND SUBSTITUTE

C.S.H.B. 2337 differs from the original by specifying that certain provisions of the Juvenile Justice Code relating to the admissibility of a child statement and a child's waiver of rights in a proceeding do not preclude the admission of a statement made by the child if the statement is obtained in another state in compliance with that state's laws or Texas laws or obtained by a federal law enforcement officer in Texas or another state in compliance with federal law, whereas the original authorizes a court other than a court in which a criminal proceeding is conducted to admit as evidence a child's statement that would otherwise be excluded before the court if obtained in that manner. The substitute differs from the original in the transition provision by making the bill's provisions apply only to a statement relating to conduct violating a penal law that occurred on or after the bill's effective date, whereas the original makes the bill's provisions apply only to a statement made on or after the bill's effective date.