

BILL ANALYSIS

Senate Research Center
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C.S.H.B. 2337
By: Gallego (Uresti)
Criminal Justice
5/21/2011
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

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 United States 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.

C.S.H.B. 2337 amends current law relating to the admissibility of certain statements made by a child in a juvenile justice or criminal proceeding.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 51.095(b) and (c), Family Code, as follows:

(b) Provides that this section and Section 51.09 (Waiver of Rights) do not preclude the admission of a statement made by the child if:

(1) the statement does not stem from interrogation of the child under a circumstance described by Subsection (d) (relating to statements made by a child); or

(2) without regard to whether the statement stems from interrogation of the child under a circumstance described by Subsection (d), the statement is:

(A) voluntary and has a bearing on the credibility of the child as a witness;

(B) recorded by an electronic recording device, including a device that records images, and is obtained in another state in compliance with the laws of that state or this state; or by a federal law enforcement officer in this state or another state in compliance with the laws of the United States.

(c) Requires that an electronic recording of a child's statement made under Subsection (a)(5) (relating to criteria for admissible electronic recordings of a child's statement) or (b)(2)(B) be preserved until all juvenile or criminal matters relating to any conduct referred to in the statement are final, including the exhaustion of all appeals, or barred from prosecution.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2011.