

AN ACT

relating to the admissibility of certain statements made by a child in a juvenile justice or criminal proceeding.

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

SECTION 1. Sections 51.095(b) and (c), Family Code, are amended to read as follows:

(b) This section and Section 51.09 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); 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; or

(B) recorded by an electronic recording device, including a device that records images, and is obtained:

(i) in another state in compliance with the laws of that state or this state; or

(ii) by a federal law enforcement officer in this state or another state in compliance with the laws of the United States.

(c) An electronic recording of a child's statement made under Subsection (a)(5) or (b)(2)(B) shall be preserved until all

1 juvenile or criminal matters relating to any conduct referred to in  
2 the statement are final, including the exhaustion of all appeals,  
3 or barred from prosecution.

4       SECTION 2. The change in law made by this Act applies only  
5 to a statement relating to conduct violating a penal law that  
6 occurred on or after the effective date of this Act. A statement  
7 relating to conduct violating a penal law that occurred before the  
8 effective date of this Act is governed by the law in effect at the  
9 time the conduct occurred, and the former law is continued in effect  
10 for that purpose. For purposes of this section, conduct violating a  
11 penal law occurred before the effective date of this Act if any  
12 element of the violation occurred before that date.

13       SECTION 3. This Act takes effect September 1, 2011.

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President of the Senate

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Speaker of the House

I certify that H.B. No. 2337 was passed by the House on April 21, 2011, by the following vote: Yeas 148, Nays 0, 1 present, not voting; and that the House concurred in Senate amendments to H.B. No. 2337 on May 27, 2011, by the following vote: Yeas 142, Nays 0, 2 present, not voting.

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Chief Clerk of the House

I certify that H.B. No. 2337 was passed by the Senate, with amendments, on May 25, 2011, by the following vote: Yeas 31, Nays 0.

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Secretary of the Senate

APPROVED: \_\_\_\_\_

Date

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Governor