

By: Gallego

H.B. No. 2337

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the admissibility in a court proceeding of certain
3 statements.

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

5 SECTION 1. Section 8, Article 38.22, Code of Criminal
6 Procedure, is amended to read as follows:

7 Sec. 8. (a) Notwithstanding any other provision of this
8 article, a written, oral, or sign language statement of an accused
9 made as a result of a custodial interrogation is admissible against
10 the accused in a criminal proceeding in this state if:

11 (1) the statement was obtained in another state and
12 was obtained in compliance with the laws of that state or this
13 state; or

14 (2) the statement was obtained by a federal law
15 enforcement officer in this state or another state and was obtained
16 in compliance with the laws of the United States.

17 (b) A court other than a court in which a criminal
18 proceeding is conducted may admit as evidence a statement made by a
19 child that would otherwise be excluded before the court if the
20 statement is obtained in the manner described by Subsection (a)(1)
21 or (2).

22 SECTION 2. The change in law made by this Act applies only
23 to a statement made on or after the effective date of this Act. A
24 statement made before the effective date of this Act is covered by

1 the law in effect at the time the statement was made, and the former
2 law is continued in effect for that purpose.

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