

1-1 By: Gallego (Senate Sponsor - Uresti) H.B. No. 2337
1-2 (In the Senate - Received from the House April 26, 2011;
1-3 April 27, 2011, read first time and referred to Committee on
1-4 Criminal Justice; May 23, 2011, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 6, Nays 0;
1-6 May 23, 2011, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR H.B. No. 2337 By: Ellis

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

1-10 relating to the admissibility of certain statements made by a child
1-11 in a juvenile justice or criminal proceeding.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Sections 51.095(b) and (c), Family Code, are
1-14 amended to read as follows:

1-15 (b) This section and Section 51.09 do not preclude the
1-16 admission of a statement made by the child if:

1-17 (1) the statement does not stem from interrogation of
1-18 the child under a circumstance described by Subsection (d); or

1-19 (2) without regard to whether the statement stems from
1-20 interrogation of the child under a circumstance described by
1-21 Subsection (d), the statement is:

1-22 (A) voluntary and has a bearing on the
1-23 credibility of the child as a witness; or

1-24 (B) recorded by an electronic recording device,
1-25 including a device that records images, and is obtained:

1-26 (i) in another state in compliance with the
1-27 laws of that state or this state; or

1-28 (ii) by a federal law enforcement officer
1-29 in this state or another state in compliance with the laws of the
1-30 United States.

1-31 (c) An electronic recording of a child's statement made
1-32 under Subsection (a)(5) or (b)(2)(B) shall be preserved until all
1-33 juvenile or criminal matters relating to any conduct referred to in
1-34 the statement are final, including the exhaustion of all appeals,
1-35 or barred from prosecution.

1-36 SECTION 2. The change in law made by this Act applies only
1-37 to a statement relating to conduct violating a penal law that
1-38 occurred on or after the effective date of this Act. A statement
1-39 relating to conduct violating a penal law that occurred before the
1-40 effective date of this Act is governed by the law in effect at the
1-41 time the conduct occurred, and the former law is continued in effect
1-42 for that purpose. For purposes of this section, conduct violating a
1-43 penal law occurred before the effective date of this Act if any
1-44 element of the violation occurred before that date.

1-45 SECTION 3. This Act takes effect September 1, 2011.

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