

By: Uresti

S.B. No. 1749

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the admissibility of certain statements made by a child
3 in a juvenile justice or criminal proceeding.

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

5 SECTION 1. Section 51.095(b), Family Code, is amended to
6 read as follows:

7 (b) This section and Section 51.09 do not preclude the
8 admission of a statement made by the child if:

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

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

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

16 (B) obtained in another state in compliance with
17 the laws of that state or this state; or

18 (C) obtained by a federal law enforcement officer
19 in this state or another state in compliance with the laws of the
20 United States.

21 SECTION 2. The change in law made by this Act applies only
22 to a statement relating to conduct violating a penal law that
23 occurred on or after the effective date of this Act. A statement
24 relating to conduct violating a penal law that occurred before the

1 effective date of this Act is governed by the law in effect at the
2 time the conduct occurred, and the former law is continued in effect
3 for that purpose. For purposes of this section, conduct violating a
4 penal law occurred before the effective date of this Act if any
5 element of the violation occurred before that date.

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