

SENATE AMENDMENTS

2nd Printing

By: Gallego

H.B. No. 2337

A BILL TO BE ENTITLED

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. Section 51.095(b), Family Code, is 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;

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

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

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

ADOPTED

MAY 25 2011

Atty. Gen.
Secretary of the Senate

By: *P. Christ*

H.B. No. 2337

Substitute the following for H.B. No. 2337:

By: *Robyn Ellis*

C.S. H.B. No. 2337

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. Sections 51.095(b) and (c), Family Code, are
6 amended to 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; or

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

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

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

23 (c) An electronic recording of a child's statement made
24 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.

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

May 25, 2011

TO: Honorable Joe Straus, Speaker of the House, House of Representatives

FROM: John S O'Brien, Director, Legislative Budget Board

IN RE: HB2337 by Gallego (Relating to the admissibility of certain statements made by a child in a juvenile justice or criminal proceeding.), **As Passed 2nd House**

No significant fiscal implication to the State is anticipated.

The bill would amend the Code of Criminal Procedure relating to the admissibility of certain statements made by a child in certain court proceedings. The bill would add provisions relating to statements recorded by an electronic recording device, including a device that records images and is obtained in other states or by a federal law enforcement officer. To the extent the bill would amend court procedures, no significant fiscal impact is anticipated. The bill would take effect September 1, 2011.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council

LBB Staff: JOB, SD, TB, ESi

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

May 22, 2011

TO: Honorable John Whitmire, Chair, Senate Committee on Criminal Justice

FROM: John S O'Brien, Director, Legislative Budget Board

IN RE: HB2337 by Gallego (Relating to the admissibility of certain statements made by a child in a juvenile justice or criminal proceeding.), **Committee Report 2nd House, Substituted**

No significant fiscal implication to the State is anticipated.

The bill would amend the Code of Criminal Procedure relating to the admissibility of certain statements made by a child in certain court proceedings. The bill would add provisions relating to statements recorded by an electronic recording device, including a device that records images and is obtained in other states or by a federal law enforcement officer. To the extent the bill would amend court procedures, no significant fiscal impact is anticipated. The bill would take effect September 1, 2011.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council

LBB Staff: JOB, TB, ESi

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

May 19, 2011

TO: Honorable John Whitmire, Chair, Senate Committee on Criminal Justice

FROM: John S O'Brien, Director, Legislative Budget Board

IN RE: HB2337 by Gallego (Relating to the admissibility of certain statements made by a child in a juvenile justice or criminal proceeding.), **As Engrossed**

No significant fiscal implication to the State is anticipated.

The bill would amend the Code of Criminal Procedure relating to the admissibility of certain statements made by a child in certain court proceedings. The bill would add provisions relating to statements obtained in other states or by a federal law enforcement officer. To the extent the bill would amend court procedures, no significant fiscal impact is anticipated. The bill would take effect September 1, 2011.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council

LBB Staff: JOB, TB, ESi

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

April 13, 2011

TO: Honorable Pete Gallego, Chair, House Committee on Criminal Jurisprudence

FROM: John S O'Brien, Director, Legislative Budget Board

IN RE: HB2337 by Gallego (Relating to the admissibility of certain statements made by a child in a juvenile justice or criminal proceeding.), **Committee Report 1st House, Substituted**

No significant fiscal implication to the State is anticipated.

The bill would amend the Code of Criminal Procedure relating to the admissibility of certain statements made by a child in certain court proceedings. The bill would add provisions relating to statements obtained in other states or by a federal law enforcement officer. To the extent the bill would amend court procedures, no significant fiscal impact is anticipated. The bill would take effect September 1, 2011.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council

LBB Staff: JOB, TB, ESi

**LEGISLATIVE BUDGET BOARD
Austin, Texas**

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

March 27, 2011

TO: Honorable Pete Gallego, Chair, House Committee on Criminal Jurisprudence

FROM: John S O'Brien, Director, Legislative Budget Board

IN RE: HB2337 by Gallego (Relating to the admissibility in a court proceeding of certain statements.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would amend the Code of Criminal Procedure relating to the admissibility of certain statements in a court proceeding. To the extent the bill would amend court procedures, no significant fiscal impact is anticipated. The bill would take effect September 1, 2011.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council

LBB Staff: JOB, ESi, TB

LEGISLATIVE BUDGET BOARD

Austin, Texas

CRIMINAL JUSTICE IMPACT STATEMENT

82ND LEGISLATIVE REGULAR SESSION

May 19, 2011

TO: Honorable John Whitmire, Chair, Senate Committee on Criminal Justice

FROM: John S O'Brien, Director, Legislative Budget Board

IN RE: HB2337 by Gallego (Relating to the admissibility of certain statements made by a child in a juvenile justice or criminal proceeding.), **As Engrossed**

No significant impact on the programs and workload of state corrections agencies or on the demand for resources and services of those agencies is anticipated from any provisions of this bill that authorize or require a change in the sanctions applicable to adults convicted of felony crimes.

Source Agencies:

LBB Staff: JOB, ADM, GG, LM

LEGISLATIVE BUDGET BOARD
Austin, Texas

CRIMINAL JUSTICE IMPACT STATEMENT

82ND LEGISLATIVE REGULAR SESSION

April 13, 2011

TO: Honorable Pete Gallego, Chair, House Committee on Criminal Jurisprudence

FROM: John S O'Brien, Director, Legislative Budget Board

IN RE: HB2337 by Gallego (Relating to the admissibility of certain statements made by a child in a juvenile justice or criminal proceeding.), **Committee Report 1st House, Substituted**

No significant impact on the programs and workload of state corrections agencies or on the demand for resources and services of those agencies is anticipated from any provisions of this bill that authorize or require a change in the sanctions applicable to adults convicted of felony crimes.

Source Agencies:

LBB Staff: JOB, GG, LM

LEGISLATIVE BUDGET BOARD

Austin, Texas

CRIMINAL JUSTICE IMPACT STATEMENT

82ND LEGISLATIVE REGULAR SESSION

April 18, 2011

TO: Honorable Pete Gallego, Chair, House Committee on Criminal Jurisprudence

FROM: John S O'Brien, Director, Legislative Budget Board

IN RE: HB2337 by Gallego (Relating to the admissibility in a court proceeding of certain statements.), **As Introduced**

No significant impact on the programs and workload of state corrections agencies or on the demand for resources and services of those agencies is anticipated from any provisions of this bill that authorize or require a change in the sanctions applicable to adults convicted of felony crimes.

Source

Agencies:

LBB Staff: JOB, GG, LM

JOB, GG, LM