

House Bill 2337
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

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 effective date of this Act is governed by the law in effect at the time the conduct occurred, and the former law is continued in effect for that purpose. For

SENATE VERSION (CS)

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

SECTION 2. Same as House version.

CONFERENCE

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purposes of this section, conduct violating a penal law occurred before the effective date of this Act if any element of the violation occurred before that date.

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

SENATE VERSION (CS)

SECTION 3. Same as House version.

CONFERENCE