

## **BILL ANALYSIS**

H.B. 2090  
By: Canales  
Criminal Jurisprudence  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

The U.S. Constitution provides that no person shall be compelled in any criminal case to be a witness against himself. Interested parties note that procedural safeguards under the U.S. Constitution and federal and state statutes protect this right but the Texas Code of Criminal Procedure does not require a written statement that is signed by an accused or on which the accused makes a mark in lieu of such signature to be written in a language the accused can read and understand. Thus, a non-English speaker potentially could sign a statement in English without understanding the content of the statement and, as a result, could be compelled to be a witness against himself or herself in violation of the individual's constitutional right. To address this issue, H.B. 2090 requires a statement signed by or bearing the mark of the accused to be made in a language the accused can read and understand.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

H.B. 2090 amends the Code of Criminal Procedure to require a written statement of an accused that is signed by the accused or bearing the mark of the accused to be made in a language the accused can read and understand in order for such statement to be admissible as evidence against the accused in a criminal proceeding.

### **EFFECTIVE DATE**

September 1, 2013.