

By: Simpson

H.B. No. 3479

A BILL TO BE ENTITLED

AN ACT

relating to custodial interrogations.

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

SECTION 1. Article, 38.22, Section 2, Code of Criminal Procedure, is amended by adding subsection (c) to read as follows:

Sec. 2. No written statement made by an accused as a result of custodial interrogation is admissible as evidence against him in any criminal proceeding unless it is shown on the face of the statement that:

(a) the accused, prior to making the statement, either received from a magistrate the warning provided in Article 15.17 of this code or received from the person to whom the statement is made a warning that:

(1) he has the right to remain silent and not make any statement at all and that any statement he makes may be used against him at his trial;

(2) any statement he makes may be used as evidence against him in court;

(3) he has the right to have a lawyer present to advise him prior to and during any questioning;

(4) if he is unable to employ a lawyer, he has the right to have a lawyer appointed to advise him prior to and during any questioning; and

(5) he has the right to terminate the interview at any

1 time; ~~and~~

2 (b) the accused, prior to and during the making of the
3 statement, knowingly, intelligently, and voluntarily waived the
4 rights set out in the warning prescribed by Subsection (a) of this
5 section~~;~~ and

6 (c) the police did not employ any interrogation technique
7 that can be shown to result in false or unreliable confessions.