

1-1 By: West S.B. No. 969  
 1-2 (In the Senate - Filed February 28, 2013; March 12, 2013, read  
 1-3 first time and referred to Committee on Criminal Justice;  
 1-4 May 10, 2013, reported adversely, with favorable Committee  
 1-5 Substitute by the following vote: Yeas 4, Nays 3; May 10, 2013,  
 1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10		X		
1-11	X			
1-12	X			
1-13		X		
1-14	X			
1-15		X		

1-16 COMMITTEE SUBSTITUTE FOR S.B. No. 969 By: Rodriguez

1-17 A BILL TO BE ENTITLED  
 1-18 AN ACT

1-19 relating to the electronic recording of certain statements made by  
 1-20 an accused as a result of custodial interrogation.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-22 SECTION 1. Article 38.22, Code of Criminal Procedure, is  
 1-23 amended by amending Section 1 and adding Section 9 to read as  
 1-24 follows:

1-25 Sec. 1. In this article:

1-26 (1) "Place of detention" means a police station or  
 1-27 other building that is a place of operation for a law enforcement  
 1-28 agency, including a municipal police department or county sheriff's  
 1-29 department, and is owned or operated by the law enforcement agency  
 1-30 for the purpose of detaining individuals in connection with the  
 1-31 suspected violation of a penal law. The term does not include a  
 1-32 courthouse.

1-33 (2) "Written~~[, a written]~~ statement of an accused"  
 1-34 means a statement signed by the accused or a statement made by the  
 1-35 accused in his own handwriting or, if the accused is unable to  
 1-36 write, a statement bearing his mark, when the mark has been  
 1-37 witnessed by a person other than a peace officer.

1-38 Sec. 9. (a) Each law enforcement agency shall adopt,  
 1-39 implement, and amend as necessary a detailed written policy  
 1-40 requiring that a visual recording by motion picture film,  
 1-41 videotape, or other electronic means be made of any statement made  
 1-42 as a result of a custodial interrogation if:

1-43 (1) the custodial interrogation is conducted in a  
 1-44 place of detention; or

1-45 (2) the custodial interrogation is conducted outside  
 1-46 of a place of detention, and the law enforcement agency has, at the  
 1-47 site of the interrogation, equipment described by this subsection  
 1-48 that is capable of electronically recording the interrogation.

1-49 (b) Evidence of compliance with a policy adopted under this  
 1-50 section or with the minimum requirements of this article concerning  
 1-51 the visual recording of a custodial interrogation is not a  
 1-52 condition precedent to the admissibility of a defendant's statement  
 1-53 under this article, another provision of this chapter, or another  
 1-54 law.

1-55 (c) Notwithstanding Article 38.23 as that article relates  
 1-56 to a violation of a state statute, a failure to make a visual  
 1-57 recording of a statement made as a result of a custodial  
 1-58 interrogation in substantial compliance with a policy adopted under  
 1-59 this section or with the minimum requirements of this article does  
 1-60 not prohibit the admission of the statement in the courts of this

2-1 state.

2-2 SECTION 2. The change in law made by this Act applies only  
2-3 to the admissibility of a statement made by an accused on or after  
2-4 the effective date of this Act. The admissibility of a statement  
2-5 made by an accused before the effective date of this Act is governed  
2-6 by the law in effect when the statement was made, and the former law  
2-7 is continued in effect for that purpose.

2-8 SECTION 3. This Act takes effect September 1, 2013.

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