

By: Birdwell

S.B. No. 707

A BILL TO BE ENTITLED

AN ACT

relating to the admissibility of certain recorded statements made by child abuse victims.

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

SECTION 1. Chapter 38, Code of Criminal Procedure, is amended by adding Article 38.0725 to read as follows:

Art. 38.0725. ADMISSIBILITY OF CERTAIN RECORDED STATEMENTS OF CHILD ABUSE VICTIMS. (a) This article applies only to a proceeding in the prosecution of an offense listed in Section 1, Article 38.072, and committed against a child younger than 14 years of age.

(b) A recording of an oral statement that is not otherwise admissible under another law or a rule of evidence of this state is admissible into evidence in any proceeding to which this article applies if:

(1) the statement was made by the victim against whom the charged offense was allegedly committed;

(2) after an in camera review, the court finds that:

(A) the statement is relevant and is reliable based on the time, content, and circumstances of the statement;

(B) the recording is both visual and aural and is recorded on film or videotape or by other electronic means; and

(C) the individual interviewing the victim or, if the victim's statement is not derived from an interview, the

1 individual conducting the recording is a neutral individual  
2 experienced in child abuse cases; and

3 (3) the victim testifies or is available to testify at  
4 the proceeding in court or in any other manner provided by law.

5 SECTION 2. The change in law made by this Act applies only  
6 to a criminal proceeding that commences on or after the effective  
7 date of this Act. A criminal proceeding that commences before the  
8 effective date of this Act is governed by the law in effect when the  
9 proceeding commenced, and the former law is continued in effect for  
10 that purpose.

11 SECTION 3. This Act takes effect September 1, 2017.