

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

May 16, 2017

TO: Honorable Joe Moody, Chair, House Committee on Criminal Jurisprudence

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: SB1253 by West (Relating to the electronic recording and admissibility of certain custodial interrogations.), **As Engrossed**

No significant fiscal implication to the State is anticipated.

The bill would amend the Code of Criminal Procedure to require all law enforcement agencies of the state or of a municipality, county, or other political subdivision of the state that employs peace officers who, in the routine performance of the officers' duties, conduct custodial interrogations of persons suspected of committing criminal offenses, to make electronically recorded custodial interrogations of persons suspected of committing certain felony offenses.

The bill would also provide that no oral, sign language, or written statement made as a result of a custodial interrogation is admissible against the accused in a criminal proceeding unless an electronic recording was made of the statement or the attorney representing the state offers proof that good cause existed that made electronic recording of the custodial interrogation infeasible.

The provisions of the bill would apply to the use of a statement resulting from a custodial interrogation that occurs on or after March 1, 2018.

The bill would take effect September 1, 2017.

Local Government Impact

According to OCA, the Timothy Cole Exoneration Review Commission surveyed law enforcement agencies during the interim and found that most already electronically record interrogations. The survey also found that the average cost of purchasing electronic digital recording equipment was less than \$5,000. No significant fiscal impact is anticipated.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 405
Department of Public Safety

LBB Staff: UP, KJo, AI, FR, JGA