

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION**

**April 6, 2017**

**TO:** Honorable John Whitmire, Chair, Senate Committee on Criminal Justice

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE:** SB1253 by West (relating to the electronic recording and admissibility of certain custodial interrogations.), **Committee Report 1st House, Substituted**

**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 allow a court to consider evidence of compliance with the recording requirements when determining the admissibility of statements of which no electronic recording was made, unless the attorney representing the state offers that proof of good cause existed which made electronic recording of the custodial interrogation infeasible.

The bill would require that if an electronic recording of a complete interrogation is not available, the court must on the request of the defendant, instruct the jury that it is the policy of this state to electronically record custodial interrogations of persons suspected of committing or charged with the commission of certain felony offenses.

The provisions of the bill would apply to the use of a statement resulting from a custodial interrogation that occurs on or after September 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

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