

BILL ANALYSIS

Senate Research Center

S.B. 319
By: Harris
Criminal Justice
2-18-97
Committee Report (Amended)

DIGEST

Currently, Texas law provides that, under certain circumstances, a juvenile's written statement may be admissible in evidence only if a magistrate warns the child of certain rights, the potential for the child to be tried as an adult, and the potential to be transferred to the Texas Department of Criminal Justice. The current statutory warning is too complex, lengthy, and difficult to understand. This bill will simplify the warning which a magistrate is required to give to a child before the child provides a written statement regarding an offense and will provide for videotaping of the warning.

PURPOSE

As proposed, S.B. 319 changes the warning which a magistrate must give a child before the child provides a written statement regarding an offense and provides for videotaping of the warning.

RULEMAKING AUTHORITY

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 51.09, Family Code, to provide that, notwithstanding any of the provisions of Subsection (a), the statement of a child is admissible in evidence in any future proceeding concerning the matter about which the statement was given if the statement is given in the manner provided by this section. Provides that a statement by a child is admissible if certain conditions are met. Deletes existing Paragraphs E and F. Authorizes the magistrate to sign a statement under Subsection (c) only if the magistrate is fully convinced that the child understands the nature and contents of the statement and that the child is signing the same voluntarily. Sets forth the required items of the statement. Provides that a statement is admissible if it is made orally and certain conditions are met. Provides that a statement is admissible if the statement was *res gestae* of the delinquent conduct or the conduct indicating a need for supervision or of the arrest. Authorizes the warning of the magistrate given under this section to the child to be videotaped only if the warning is made at a facility authorized for the detention of a child under this article. Makes conforming and nonsubstantive changes.

SECTION 2. Effective date: September 1, 1997.
Makes application of this Act prospective.

SECTION 3. Emergency clause.

SUMMARY OF COMMITTEE CHANGES

Amends SECTION 1, Section 51.09, Family Code, by adding Subsection (h) to authorize videotaping of the magistrate's warning only if the warning is made at certain facilities.