

BILL ANALYSIS

Senate Research Center

S.B. 870
By: West
Criminal Justice
3-12-97
As Filed

DIGEST

In 1983, the 68th Legislature adopted S.B. 1. Included in the bill was a provision which required certain counties to purchase and maintain electronic devices capable of recording persons arrested for certain offenses. This requirement was never codified. The courts have ruled that the only sanction for failure to videotape a driving while intoxicated (DWI) arrestee as required by the uncodified statute is admission of that fact at trial. Videotaping a DWI suspect is therefore not an absolute prerequisite to a DWI prosecution. This bill will codify existing law regarding the visual recording of persons arrested for certain offenses.

PURPOSE

As proposed, S.B. 870 codifies existing law regarding the visual recording of persons arrested for certain offenses.

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 Chapter 720, Transportation Code, by adding Section 720.003, as follows:

Sec. 720.003. VISUAL RECORDING OF PERSONS ARRESTED FOR CERTAIN OFFENSES. Requires certain counties to purchase and maintain electronic devices capable of visually recording a person arrested within the county for an offense under Section 49.04, 49.07, or 49.08, Penal Code. Requires the sheriff of the county to determine, on approval by the commissioners court, the number of devices necessary to ensure that a peace officer arresting a person for an offense listed by Subsection (a) is authorized to visually record the person's appearance within a reasonable time after the arrest. Provides that the failure of the arresting officer or another person acting on behalf of the state to visually record a person arrested for an offense listed by Subsection (a) in a county required by that subsection to purchase and maintain the electronic devices is admissible at the trial of the offense.

SECTION 2. Repealer: Section 24, Chapter 303, Acts of the 68th Legislature, Regular Session, 1983.

SECTION 3. Provides that this Act is intended to codify law in effect before the effective date of this Act.

SECTION 4. Emergency clause.
Effective date: upon passage.