

BILL ANALYSIS

Senate Research Center

S.B. 460
By: Armbrister
Criminal Justice
3/11/1999
Committee Report (Amended)

DIGEST

Currently, Article 38.22, Code of Criminal Procedure, precludes the state from using statements of a suspected criminal in criminal proceedings unless the statements are either recorded or written and signed by the accused. This bill would make oral or sign language statements inadmissible in criminal proceedings unless the accused was given a certain warning.

PURPOSE

As proposed, S.B. 460 provides that no oral or sign language statement is admissible in criminal proceedings unless the accused was given a certain 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 3, Article 38.22, Code of Criminal Procedure, to provide that no oral or sign language statement resulting from a custodial interrogation is admissible in a criminal proceeding unless the accused was given the warning in Subsection (a) of Section 2 above or its fully effective equivalent. Deletes criteria for admissibility of an oral or sign language statement taken in a custodial interrogation. Makes conforming and nonsubstantive changes.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 1999.

SECTION 4. Emergency clause.

SUMMARY OF COMMITTEE CHANGES

SECTION 1.

Amends Section 3(a), Article 38.22, Code of Criminal Procedure, to provide that no, rather than an, oral or sign language statement is admissible unless the accused was given a certain warning, rather than the statement violates laws of the United States or provisions of the constitution.