

BILL ANALYSIS

Senate Research Center
77R2824 KEL-D

H.B. 553
By: Mowery (Armbrister)
Criminal Justice
5/8/2001
Engrossed

DIGEST AND PURPOSE

A 1995 case against a child sexual abuse suspect was remanded because the suspect's statement was not in compliance with Texas law regarding statements. The statement was made in Montana and complied with Montana law. Under current Texas law, one of the conditions of admissibility of a suspect's statement made as a result of custodial interrogation is that the statement be electronically recorded. Current law also requires strict compliance with all requirements for the admissibility of a statement. H.B. 553 provides that a statement is admissible in a criminal proceeding in Texas if the statement was obtained in another state and was obtained in compliance with the laws of that state or the statement was obtained by a federal law enforcement officer and was obtained in compliance with the laws of the United States.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Article 38.22, Code of Criminal Procedure, by adding Section 8, as follows:

Sec. 8. Provides that, notwithstanding any other provision of this article, a written, oral, or sign language statement of an accused made as a result of a custodial interrogation is admissible against the accused in a criminal proceeding in this state if the statement was obtained in another state and was obtained in compliance with the laws of that state, or the statement was obtained by a federal law enforcement officer in this state or another state and was obtained in compliance with the laws of the United States.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2001.