

BILL ANALYSIS

S.B. 1253
By: West
Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Interested parties contend that the quality of evidence gathered through interrogations recorded by law enforcement agencies across Texas is at times inconsistent due to the variation in procedures employed at each agency. S.B. 1253 seeks to address this issue by creating uniform procedures for the recording of certain custodial interrogations performed by law enforcement agencies in Texas.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

S.B. 1253 amends the Code of Criminal Procedure to require a law enforcement agency of the state or of a county, municipality, 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 a complete and contemporaneous audiovisual electronic recording, or an audio recording if an audiovisual electronic recording is unavailable, that is authentic, accurate, and unaltered, unless good cause exists that makes such electronic recording infeasible, of any custodial interrogation that occurs in a place of detention and is of a person suspected of committing or charged with the commission of the following offenses: murder, capital murder, kidnapping, aggravated kidnapping, trafficking of persons, continuous trafficking of persons, continuous sexual abuse of a young child or children, indecency with a child, improper relationship between an educator and student, sexual assault, aggravated sexual assault, or sexual performance by a child. The bill establishes that such an electronic recording of a custodial interrogation is complete only if the recording begins at or before the time the person being interrogated enters the area of the place of detention in which the interrogation will take place or receives a Miranda warning, whichever is earlier, and continues until the time the interrogation ceases. The bill sets out specified circumstances constituting good cause that makes electronic recording infeasible and exempts a recording of a custodial interrogation that complies with the bill's provisions from public disclosure, except as provided by state public information law provisions relating to certain law enforcement, corrections, and prosecutorial information.

S.B. 1253 establishes that no oral, sign language, or written statement made by a person accused of such an offense and made as a result of a custodial interrogation occurring in a place of detention is admissible against the accused in a criminal proceeding unless an electronic

recording was made of the statement, as required by the bill, or the attorney representing the state offers proof satisfactory to the court that good cause existed that made such electronic recording infeasible. The bill applies to the use of a statement resulting from a custodial interrogation that occurs on or after March 1, 2018, regardless of whether the criminal offense giving rise to that interrogation is committed before, on, or after that date.

EFFECTIVE DATE

September 1, 2017.