

BILL ANALYSIS

Senate Research Center

H.B. 2671
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Jurisprudence
5/10/1999
Committee Report (Amended)

DIGEST

Currently, children in the custody of the Department of Protective and Regulatory Services who are suspected of behavior that violates Texas law, are required to be taken before a magistrate so they can understand their rights and any documents they may be asked to sign, prior to police interrogation. H.B. 2671 specifies the conditions which set forth admissibility of a written statement made by a child.

PURPOSE

As proposed, H.B. 2671 updates and specifies the language of regulations regarding the admissibility of a written statement made by a child.

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 51.095, Family Code, by amending Subsections (a) and (b) and adding Subsection (d), to authorize a child's statement to be admissible as evidence if it is made in writing under certain circumstances provided by Subsection (d), rather than when the child is in confinement. Provides that a child's statement is authorized if it does not stem from interrogation of the child under a circumstance described by Subsection (d), rather than custodial interrogation. Sets forth circumstances which relate to the admissibility of child's statement in accordance with Subsections (a)(1) and (5). Makes conforming 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 51.095(d)(3), Family Code, regarding a child's statement during or after the interrogation of a child, rather than questioning, regarding conduct which is suspected to have violated a law of Texas. Deletes text regarding questioning regarding a child's behavior.