

## **BILL ANALYSIS**

Senate Research Center  
83R19690 MCK-F

H.B. 3259  
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Jurisprudence  
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Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Children's advocacy centers provide support in cases of child abuse and neglect and often help create video interviews of children who have been the victims of sexual violence or other similar crimes. Current law regarding the confidentiality and use of such materials refers to "audiotapes" and "videotapes." However, these types of media are now stored on disks and hard drives and not audiotapes and videotapes. Interested parties assert that this inconsistency can place a judge in a difficult situation when denying a request for the reproduction or release of these materials.

H.B. 3259 seeks to address this issue by modernizing certain statutory language.

H.B. 3259 amends current law relating to the ownership of and access to certain investigation records in child abuse and neglect cases.

### **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 Section 264.0145(a), Family Code, to redefine "case record," in this section.

SECTION 2. Amends Sections 264.408(d), (d-1), and (e), Family Code, as follows:

(d) Provides that a video recording of an interview, rather than a videotaped interview, of a child that is made at a child advocacy center is the property of the prosecuting attorney involved in the criminal prosecution of the case involving the child. Makes conforming changes.

(d-1) Requires a court to deny any request by a defendant to copy, photograph, duplicate, or otherwise reproduce a video recording, or the audio portion of a video recording of an interview described by Subsection (d), provided that the prosecuting attorney makes the video recording reasonably available to the defendant in the same manner as property or material as authorized to be made available to defendants, attorneys, and expert witnesses under Article 39.15(d) (relating to requiring a court to deny any request by a defendant to copy, photograph, duplicate, or otherwise reproduce any property or material described by a certain subsection, provided that the state makes the property or material reasonably available to the defendant.), Code of Criminal Procedure. Makes conforming changes.

(e) Makes conforming changes.

SECTION 3. Effective date: September 1, 2013.