

BILL ANALYSIS

S.B. 60
By: Nelson
Juvenile Justice & Family Issues
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Children's advocacy centers often perform a forensic interview of a child in a child sexual abuse case. Experts report that these interviews are an incredibly important tool for investigators and prosecutors in cases for which there is little case evidence and a lack of medical findings. In the past, forensic interviews were usually conducted on-site at an advocacy center facility, yet many centers have begun using mobile forensic equipment for off-site forensic interviews to better serve the center's service area, and mobile forensic interviews are now widely used in Texas. Interested parties assert that it is critical that the recordings of these interviews are protected and safeguarded to the greatest extent possible, noting the harm that could be caused if the recordings were compromised with malicious intent. S.B. 60 seeks to clarify the law surrounding forensic interviews of children and to protect these interviews from being accessed by an unauthorized party.

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. 60 amends the Family Code to clarify that a video recording of an interview of a child that is made by a child advocacy center, rather than at a child advocacy center, is the property of the prosecuting attorney involved in the criminal prosecution of a case involving the child. The bill removes a provision making a child advocacy center that employs a custodian of records for video recordings of interviews of children responsible for the custody of the video recording and a provision authorizing a video recording of an interview to be shared with other agencies under a written agreement.

EFFECTIVE DATE

September 1, 2015.