

BILL ANALYSIS

S.B. 707
By: Birdwell
Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Interested parties contend that the inadmissibility into evidence of certain recorded statements of a child victim made following an alleged offense involving child abuse prevents proper justice from being served. S.B. 707 seeks to address this issue by making these recordings admissible into evidence in a proceeding in the prosecution of certain offenses involving child abuse under certain conditions.

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. 707 amends the Code of Criminal Procedure to make an otherwise inadmissible recording of an oral statement admissible into evidence in a proceeding in the prosecution of certain offenses involving abuse committed against a child younger than 14 years of age if the statement was made by the victim against whom the charged offense was allegedly committed; if the victim testifies or is available to testify at the proceeding in court or in any other manner provided by law; and if, after an in camera review, the court finds that the statement is relevant and is reliable based on the time, content, and circumstances of the statement, that the recording is both visual and aural and is recorded on film or videotape or by other electronic means, and that the individual interviewing the victim or, if the victim's statement is not derived from an interview, the individual conducting the recording is a neutral individual experienced in child abuse cases.

EFFECTIVE DATE

September 1, 2017.