

BILL ANALYSIS

Senate Research Center

S.B. 460
By: Armbrister
Criminal Justice
3/5/1999
As Filed

DIGEST

Currently, Article 38.22, Code of Criminal Procedure, precludes the state from using statements of a suspected criminal in criminal proceedings unless the statements are either recorded or written and signed by the accused. Texas is one of only a handful of states that do not make oral confessions to law enforcement officials admissible in criminal trials. This bill would make oral or sign language statements admissible in criminal proceedings.

PURPOSE

As proposed, S.B. 460 provides that oral or sign language statements are admissible in criminal proceedings unless such statements are in violation of the constitution, laws, or rules of the United States or Texas.

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 3, Article 38.22, Code of Criminal Procedure, to provide that an oral or sign language statement resulting from a custodial interrogation is admissible in a criminal proceeding unless the statement would violate the constitution or laws of the United States or this state, including the applicable rules of evidence. Deletes criteria for admissibility of an oral or sign language statement taken in a custodial interrogation. Makes conforming and nonsubstantive changes.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 1999.

SECTION 4. Emergency clause.