

1-1 By: Birdwell S.B. No. 707  
 1-2 (In the Senate - Filed February 1, 2017; February 21, 2017,  
 1-3 read first time and referred to Committee on Criminal Justice;  
 1-4 April 10, 2017, reported favorably by the following vote: Yeas 8,  
 1-5 Nays 0; April 10, 2017, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15			X	
1-16	X			

1-17 A BILL TO BE ENTITLED  
 1-18 AN ACT

1-19 relating to the admissibility of certain recorded statements made  
 1-20 by child abuse victims.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-22 SECTION 1. Chapter 38, Code of Criminal Procedure, is  
 1-23 amended by adding Article 38.0725 to read as follows:

1-24 Art. 38.0725. ADMISSIBILITY OF CERTAIN RECORDED STATEMENTS  
 1-25 OF CHILD ABUSE VICTIMS. (a) This article applies only to a  
 1-26 proceeding in the prosecution of an offense listed in Section 1,  
 1-27 Article 38.072, and committed against a child younger than 14 years  
 1-28 of age.

1-29 (b) A recording of an oral statement that is not otherwise  
 1-30 admissible under another law or a rule of evidence of this state is  
 1-31 admissible into evidence in any proceeding to which this article  
 1-32 applies if:

1-33 (1) the statement was made by the victim against whom  
 1-34 the charged offense was allegedly committed;

1-35 (2) after an in camera review, the court finds that:

1-36 (A) the statement is relevant and is reliable  
 1-37 based on the time, content, and circumstances of the statement;

1-38 (B) the recording is both visual and aural and is  
 1-39 recorded on film or videotape or by other electronic means; and

1-40 (C) the individual interviewing the victim or, if  
 1-41 the victim's statement is not derived from an interview, the  
 1-42 individual conducting the recording is a neutral individual  
 1-43 experienced in child abuse cases; and

1-44 (3) the victim testifies or is available to testify at  
 1-45 the proceeding in court or in any other manner provided by law.

1-46 SECTION 2. The change in law made by this Act applies only  
 1-47 to a criminal proceeding that commences on or after the effective  
 1-48 date of this Act. A criminal proceeding that commences before the  
 1-49 effective date of this Act is governed by the law in effect when the  
 1-50 proceeding commenced, and the former law is continued in effect for  
 1-51 that purpose.

1-52 SECTION 3. This Act takes effect September 1, 2017.

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