

By: Wise

H.B. No. 65

A BILL TO BE ENTITLED

AN ACT

relating to certain rights in a criminal or juvenile justice proceeding afforded to a child victim.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Article 56.02, Code of Criminal Procedure, is amended by adding Subsection (e) to read as follows:

(e) In addition to any other right provided under this article, a victim who is younger than 16 years of age is entitled to the following rights within the criminal justice system:

(1) the right to the appointment of a guardian ad litem or special advocate;

(2) subject to Article 38.073, the right to have the victim's parent, guardian, or other relative present during the proceedings in which the victim will testify;

(3) the right to an explanation of the proceedings;

(4) the right to be asked questions in language that the victim understands;

(5) the right to have the court notified by the victim's attorney or court-appointed guardian ad litem or special advocate if:

(A) the victim is unable to understand the proceedings, including any questions presented to the victim; or

(B) the proceedings are traumatizing the victim;

and

1 (6) the right to have the prosecutor notified by the
2 victim's attorney or court-appointed guardian ad litem or special
3 advocate if the victim is unable to participate in the proceedings.

4 SECTION 2. Chapter 38, Code of Criminal Procedure, is
5 amended by adding Article 38.073 to read as follows:

6 Art. 38.073. ORDER OF CERTAIN TESTIMONY. If a child who is
7 younger than 16 years of age exercises the right to have a parent,
8 guardian, or other relative present during a judicial proceeding as
9 provided by Article 56.02(e)(2) and the parent, guardian, or
10 relative is expected to testify in the same proceeding, the court
11 shall:

12 (1) require the parent, guardian, or relative to
13 testify before the child testifies; and

14 (2) exclude the child from the courtroom while the
15 parent, guardian, or relative testifies.

16 SECTION 3. The change in law made by this Act applies to all
17 criminal proceedings or juvenile court hearings occurring on or
18 after the effective date of this Act.

19 SECTION 4. This Act takes effect September 1, 2003.