

By: Wise

H.B. No. 70

A BILL TO BE ENTITLED

AN ACT

relating to leading questions in direct examination of a child.

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

SECTION 1. Chapter 38, Code of Criminal Procedure, is amended by adding Article 38.09 to read as follows:

Art. 38.09. LEADING QUESTIONS IN DIRECT EXAMINATION OF A CHILD. In any criminal proceeding, a person conducting a direct examination of a child younger than 16 years of age may use leading questions.

SECTION 2. Chapter 18, Civil Practice and Remedies Code, is amended by adding Subchapter D to read as follows:

SUBCHAPTER D. DIRECT EXAMINATION OF CHILD

Sec. 18.091. LEADING QUESTIONS. In any civil proceeding, a person conducting a direct examination of a child younger than 16 years of age may use leading questions.

Sec. 18.092. CONFLICT WITH RULES. Notwithstanding Section 22.004, Government Code, the supreme court may not amend or adopt rules in conflict with this subchapter.

SECTION 3. This Act applies to a direct examination of a child taking place on or after the effective date of this Act, without regard to whether the proceeding in which the examination takes place commenced before, on, or after that date.

SECTION 4. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as

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1 provided by Section 39, Article III, Texas Constitution. If this  
2 Act does not receive the vote necessary for immediate effect, this  
3 Act takes effect September 1, 2003.