

By: Keel

H.B. No. 617

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the admissibility in a criminal proceeding of certain
3 other crimes, wrongs, or acts.

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

5 SECTION 1. Chapter 38, Code of Criminal Procedure, is
6 amended by adding Article 38.06 to read as follows:

7 Art. 38.06. NOTICE OF INTENT TO INTRODUCE OTHER CRIMES,
8 WRONGS, OR ACTS. (a) Evidence of other crimes, wrongs, or acts is
9 not admissible to prove the character of a person in order to show
10 action in conformity with that character. It may, however, be
11 admissible for other purposes, such as proof of motive,
12 opportunity, intent, preparation, plan, knowledge, identity, or
13 absence of mistake or accident, provided that on timely request by
14 the accused in a criminal case, reasonable written notice is given
15 in advance of trial of the state's explicit intent to introduce in
16 the state's case-in-chief such evidence, other than evidence
17 arising in the same transaction.

18 (b) This article does not apply to the admissibility of
19 evidence on rebuttal.

20 SECTION 2. Under the terms of Section 22.109(b), Government
21 Code, Rule 404(b), Texas Rules of Evidence, is disapproved with
22 respect to criminal proceedings.

23 SECTION 3. The change in law made by this Act applies to the
24 admissibility of evidence in a criminal proceeding that commences

1 on or after the effective date of this Act. The admissibility of
2 evidence in a criminal proceeding that commences before the
3 effective date of this Act is covered by the law in effect when the
4 proceeding commenced, and the former law is continued in effect for
5 this purpose.

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