

By: Crabb

H.B. No. 1121

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the form of examination of a child in a criminal or
3 civil proceeding.

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 38.09 to read as follows:

7 Art. 38.09. CHILD TESTIMONY; FORM OF EXAMINATION. In any
8 criminal proceeding in which a child younger than 13 years of age is
9 a witness, the court shall require that questions directed to the
10 child be in a form reasonably appropriate to the age and
11 understanding of the child and shall limit the unnecessary
12 repetition of questions directed to the child.

13 SECTION 2. Chapter 18, Civil Practice and Remedies Code, is
14 amended by amending the chapter heading to read as follows:

15 CHAPTER 18. EVIDENCE AND TESTIMONY

16 SECTION 3. Chapter 18, Civil Practice and Remedies Code, is
17 amended by adding Subchapter D to read as follows:

18 SUBCHAPTER D. CHILD TESTIMONY

19 Sec. 18.091. FORM OF EXAMINATION. In any civil proceeding
20 in which a child younger than 13 years of age is a witness, the court
21 shall require that questions directed to the child be in a form
22 reasonably appropriate to the age and understanding of the child
23 and shall limit the unnecessary repetition of questions directed to
24 the child.

1 SECTION 4. This Act takes effect September 1, 2003, and
2 applies to an examination of a child that takes place on or after
3 that date, without regard to whether the proceeding in which the
4 examination takes place commenced before, on, or after the
5 effective date of this Act.