

By: Shapiro

S.B. No. 1524

A BILL TO BE ENTITLED

AN ACT

relating to a hearsay statement made by a victim of family violence.

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

SECTION 1. Chapter 38, Code of Criminal Procedure, is amended by adding Article 38.0721 to read as follows:

Art. 38.0721. HEARSAY STATEMENT OF FAMILY VIOLENCE VICTIM

Sec. 1. In this article, "family violence" has the meaning assigned by Section 71.004, Family Code.

Sec. 2. (a) This article applies to a proceeding in the prosecution of an act of family violence.

(b) If a proceeding described by this article is also described by Article 38.072, the provisions of this article apply to the proceeding.

Sec. 3. (a) This article applies only to statements that narrate, describe, report, or explain an act of family violence and that:

(1) were made by the victim against whom the offense was allegedly committed;

(2) were made within 48 hours after the incident occurred; and

(3) were either:
(A) recorded electronically or in writing; or
(B) made to a peace officer, emergency medical technician, firefighter, or employee of a law enforcement agency.

1 (b) A statement that meets the requirements of Subsection
2 (a) is not inadmissible as hearsay if:

3 (1) on or before the 14th day before the date the
4 proceeding begins, the party intending to offer the statement:

5 (A) notifies the adverse party of its intention
6 to do so;

7 (B) provides the adverse party with the name of
8 the witness through whom it intends to offer the statement; and

9 (C) provides the adverse party with a written
10 summary of the statement; and

11 (2) the trial court finds, in a hearing conducted
12 outside the presence of the jury, that the statement is reliable
13 based on the time, content, and circumstances of the statement,
14 provided, however, that recantation by a declarant shall not be a
15 sufficient reason for denying admission of a statement.

16 SECTION 2. The change in law made by this Act applies only
17 to an offense committed on or after the effective date of this Act.
18 An offense committed before the effective date of this Act is
19 covered by the law in effect when the offense was committed, and the
20 former law is continued in effect for that purpose. For purposes of
21 this section, an offense was committed before the effective date of
22 this Act if any element of the offense occurred before that date.

23 SECTION 3. This Act takes effect September 1, 2003.