

Amend HB 1035 on third reading as follows:

(1) On page 1, line 10, between "14 years of age" and the colon, insert "or a disabled individual".

(2) On page 2, strike lines 3 and 4 and substitute the following:

against, as applicable:

(a) the child who is the victim of the offense or another child younger than 14 years of age; or

(b) a disabled individual; and

(3) On page 2, line 8, between "child" and "against", insert "or disabled individual".

(4) On page 2, line 12, between "child" and "made", insert "or disabled individual".

(5) Strike SECTION 3 of the bill.

(6) Insert the following appropriately numbered SECTIONS to the bill and renumber subsequent SECTIONS of the bill appropriately:

SECTION _____. The heading to Article 38.072, Code of Criminal Procedure, is amended to read as follows:

Art. 38.072. HEARSAY STATEMENTS OF CERTAIN VICTIMS [~~STATEMENT OF CHILD ABUSE VICTIM~~].

SECTION _____. Article 38.072, Code of Criminal Procedure, is amended by adding Section 3 to read as follows:

Sec. 3. In this article, "disabled individual" has the meaning assigned by Section 22.04, Penal Code.

SECTION _____. Section 54.031, Family Code, is amended to read as follows:

Sec. 54.031. HEARSAY STATEMENT OF CERTAIN [~~CHILD~~] ABUSE VICTIMS [~~VICTIM~~]. (a) This section applies to a hearing under this title in which a child is alleged to be a delinquent child on the basis of a violation of any of the following provisions of the Penal Code, if a child or disabled individual [~~12 years of age or younger~~] is the alleged victim of the violation:

(1) Chapter 21 (Sexual Offenses) or 22 (Assaultive Offenses);

(2) Section 25.02 (Prohibited Sexual Conduct); or

(3) Section 43.25 (Sexual Performance by a Child).

(b) This section applies only to statements that describe the alleged violation that:

(1) were made by the child or disabled individual who is the alleged victim of the violation; and

(2) were made to the first person, 18 years of age or older, to whom the child or disabled individual made a statement about the violation.

(c) A statement that meets the requirements of Subsection (b) of this section is not inadmissible because of the hearsay rule if:

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

(A) notifies each other party of its intention to do so;

(B) provides each other party with the name of the witness through whom it intends to offer the statement; and

(C) provides each other party with a written summary of the statement;

(2) the juvenile court finds, in a hearing conducted outside the presence of the jury, that the statement is reliable based on the time, content, and circumstances of the statement; and

(3) the child or disabled individual who is the alleged victim testifies or is available to testify at the hearing in court or in any other manner provided by law.

(d) Notwithstanding Section 51.02, in this section, "child" and "disabled individual" have the meanings assigned by Section 22.04, Penal Code.

SECTION _____. The change in law made by this Act applies only to a proceeding that commences on or after the effective date of this Act. A proceeding that commences before the effective date of this Act is governed by the law in effect when the proceeding commenced, and the former law is continued in effect for that purpose.