

## **BILL ANALYSIS**

H.B. 1035  
By: Riddle  
Criminal Jurisprudence  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Because children are often ineffective witnesses in criminal proceedings involving sexual abuse due to the pressure of testifying in front of strangers and the defendant, Texas law allows the testimony of the outcry witness, the first adult the child informed about the alleged acts, to be used as evidence in criminal proceedings. This law applies to the outcry witnesses of the victim only. The purpose of this law is to allow the testimony of outcry witnesses of children other than the victim who have been allegedly assaulted by the defendant to be used as evidence in criminal proceedings. This information would give the jury a better understanding of the defendant's history and could result in a different verdict. This bill would also extend the applicability of this law to children younger than fourteen years of age.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

House Bill 1035 amends Section 1, Article 38.072, Code of Criminal Procedure, by providing that this article applies to a proceeding in the prosecution of sexual offenses or assaultive offenses, prohibited sexual conduct, sexual performance by a child, or criminal attempt of these offenses against a child younger than 14 years of age.

The bill amends Section 2(a), Article 38.072, Code of Criminal Procedure, to provide that this article applies only to statements that describe the alleged offense, or a crime, wrong, or act other than the alleged offense that is described by Section 1, Article 38.072, Code of Criminal Procedure, allegedly committed by the defendant against the child who is the victim of the offense or another child younger than 14 years of age, and otherwise admissible as evidence under the laws of this state. In addition, this article applies only to statements that were made by the child against whom the charged offense or extraneous crime, wrong, or act was allegedly committed, and were made to the first person, 18 years of age or older, other than the defendant, to whom the child made a statement about the offense or extraneous crime, wrong, or act.

Makes application of this Act prospective.

### **EFFECTIVE DATE**

September 1, 2007.