

By: Alonzo

H.B. No. 196

A BILL TO BE ENTITLED

AN ACT

relating to the applicability of hearsay rules in proceedings regarding bail.

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

SECTION 1. Chapter 38, Code of Criminal Procedure, is amended by adding Article 38.45 to read as follows:

Art. 38.45. APPLICABILITY OF HEARSAY RULES IN PROCEEDINGS REGARDING BAIL. Notwithstanding Rule 101(d)(1)(E), Texas Rules of Evidence, Article VIII of those rules applies to proceedings regarding bail.

SECTION 2. This Act applies only to a proceeding regarding bail that is conducted on or after the effective date of this Act, regardless of when the defendant committed the underlying offense for which the defendant became subject to the proceeding. A proceeding regarding bail conducted before the effective date of this Act is governed by the law in effect at the time of the proceeding, and the former law is continued in effect for that purpose.

SECTION 3. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2009.