

By: Raymond

H.B. No. 3728

A BILL TO BE ENTITLED

AN ACT

relating to the privilege of a parent or guardian to refuse to testify against the parent or guardian's child.

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

SECTION 1. Chapter 38, Code of Criminal Procedure, is amended by adding Article 38.0742 to read as follows:

Art. 38.0742. PRIVILEGE OF PARENT OR GUARDIAN. (a) A parent or guardian has a privilege to refuse to testify against the parent or guardian's child in a criminal proceeding.

(b) The privilege to refuse to testify may be claimed only by the parent or guardian.

(c) The privilege of a parent or guardian to refuse to testify against the parent or guardian's child does not apply in any proceeding in which the child is charged with an offense against the parent or guardian or a member of the parent or guardian's household.

(d) This article does not prohibit the parent or guardian from testifying voluntarily against the child. A parent or guardian who testifies voluntarily is subject to cross-examination.

SECTION 2. Subchapter B, Chapter 22, Civil Practice and Remedies Code, is amended by adding Section 22.013 to read as follows:

Sec. 22.013. PRIVILEGE OF PARENT OR GUARDIAN.

(a) A parent or guardian has a privilege to refuse to

1 testify against the parent or guardian's child in a civil
2 proceeding.

3 (b) The privilege to refuse to testify may be claimed only
4 by the parent or guardian.

5 (c) The privilege of a parent or guardian to refuse to
6 testify against the child does not apply if at the time of the civil
7 proceeding the child is the defendant in a pending criminal matter
8 in which the child is charged with an offense against the parent or
9 guardian or a member of the parent or guardian's household.

10 (d) This section does not prohibit the parent or guardian
11 from testifying voluntarily against the parent or guardian's child.
12 A parent or guardian who testifies voluntarily is subject to
13 cross-examination.

14 SECTION 3. This Act takes effect September 1, 2013.