

BILL ANALYSIS

Senate Research Center

S.B. 390
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Criminal Justice
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

When a child is the victim of a crime, it can take many years for the case against the defendant charged with that crime to make it to trial. If the trial is delayed too long, many child victims will refuse to testify. They have spent a significant proportion of their lives attempting to recover from the harm that was done to them, and to relive that experience in open court would threaten that recovery. As a result, many defendants who would otherwise have faced trial are allowed to go free, due to the primary witnesses' refusal to testify.

Article 32A.01 (Trial Priorities) of the Code of Criminal Procedure outlines that a court's docket shall place criminal cases at a higher priority than civil cases, and cases with incarcerated defendants over other types of defendants. S.B. 390 will place the trials of criminal actions involving victims under the age of 14 at the front of the docket, unless extraordinary circumstances require otherwise.

In states where this law has been enacted, including Arizona, Arkansas, and Alabama, they have noticed no negative effects, and a decrease in incidences of child victims refusing to testify. The effect in Texas will be similar, with child victims testifying before they have healed, so that they can heal completely without having the trial loom over them. Additionally, the Texas Second District Court of Appeal in Fort Worth has ruled that judges "may" place child victim cases before other crimes. This legislation will simply codify that decision and make child victim prioritization the rule, rather than simply an option.

As proposed, S.B. 390 amends current law relating to docket preference for trials in which the alleged victim is younger than 14 years of age.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Article 32A.01, Code of Criminal Procedure, as follows:

Art. 32A.01. TRIAL PRIORITIES. (a) Creates this subsection from existing text. Requires that the trial of a criminal action be given preference over trials of civil cases, insofar as is practicable. Requires that the trial of a criminal action against a defendant who is detained in jail pending trial of the action be given preference over trials of other criminal actions not described by Subsection (b), insofar as is practicable.

(b) Requires that the trial of a criminal action in which the alleged victim is younger than 14 years of age be given preference over other matters before the court, whether civil or criminal, unless extraordinary circumstances require otherwise.

SECTION 2. Effective date: September 1, 2015.