

By: Herrero

H.B. No. 2777

Substitute the following for H.B. No. 2777:

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C.S.H.B. No. 2777

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the admissibility of certain evidence in the
3 prosecution of certain assaultive offenses involving family
4 violence.

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

6 SECTION 1. Chapter 38, Code of Criminal Procedure, is
7 amended by adding Article 38.371 to read as follows:

8 Art. 38.371. EVIDENCE IN PROSECUTIONS OF CERTAIN ASSAULTIVE
9 OFFENSES INVOLVING FAMILY VIOLENCE. (a) This article applies to a
10 proceeding in the prosecution of a defendant for an offense, or for
11 an attempt or conspiracy to commit an offense, that is committed
12 under Section 22.01 or 22.02, Penal Code, against a person whose
13 relationship to or association with the defendant is described by
14 Section 71.0021(b), 71.003, or 71.005, Family Code.

15 (b) In the prosecution of an offense described by Subsection
16 (a), subject to the Texas Rules of Evidence or other applicable law,
17 each party may offer testimony or other evidence of all relevant
18 facts and circumstances that would assist the trier of fact in
19 determining whether the actor committed the offense described by
20 Subsection (a), including testimony or evidence regarding the
21 nature of the relationship between the actor and the alleged
22 victim.

23 SECTION 2. The change in law made by this Act applies to the
24 admissibility of evidence in a criminal proceeding that commences

1 on or after the effective date of this Act. The admissibility of
2 evidence in a criminal proceeding that commences before the
3 effective date of this Act is governed by the law in effect on the
4 date the proceeding commenced, and the former law is continued in
5 effect for that purpose.

6 SECTION 3. This Act takes effect September 1, 2015.