

## **BILL ANALYSIS**

C.S.H.B. 2875  
By: Davis, Yvonne  
Criminal Jurisprudence  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

It has been noted that oftentimes individuals who exploit others are habitual offenders but that state law does not provide for the admissibility or use of evidence of previous similar conduct by the offender for purposes of prosecuting these exploitation offenses. C.S.H.B. 2875 seeks to give prosecutors more tools to effectively prosecute the offense of exploitation of a child, elderly individual, or disabled individual by permitting the use of such evidence in the prosecution of that offense.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **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**

C.S.H.B. 2875 amends the Code of Criminal Procedure to establish that, in the prosecution of an offense of exploitation of a child, elderly individual, or disabled individual, evidence that the defendant has engaged in other conduct that is similar to the alleged criminal conduct may be admitted for the purpose of showing the defendant's knowledge or intent regarding an element of the offense. The bill subjects this provision to Rule 403, Texas Rules of Evidence, and expressly does not permit the presentation of character evidence that would otherwise be inadmissible under those rules or other applicable law.

### **EFFECTIVE DATE**

September 1, 2019.

### **COMPARISON OF ORIGINAL AND SUBSTITUTE**

While C.S.H.B. 2875 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute does not include a provision establishing that uncorroborated testimony of an accomplice is sufficient to establish the defendant's knowledge or intent regarding an element of the offense.

The substitute subjects the bill's provisions to Rule 403, Texas Rules of Evidence, and expressly does not permit the presentation of otherwise inadmissible character evidence.