86R12965 MAW-D

By:  Guillen H.B. No. 2951

A BILL TO BE ENTITLED

AN ACT

relating to the admissibility of certain hearsay statements in the prosecution of certain sexual or assaultive offenses committed against a child or person with a disability.

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

SECTION 1.  Section 2(a), Article 38.072, Code of Criminal Procedure, as amended by Chapters 284 (S.B. 643) and 710 (H.B. 2846), Acts of the 81st Legislature, Regular Session, 2009, is reenacted and amended to read as follows:

(a)  This article applies only to statements that:

(1)  describe:

(A)  the alleged offense; or

(B)  if the statement is offered during the punishment phase of the proceeding, a crime, wrong, or act other than the alleged offense that is:

(i)  described by Section 1;

(ii)  allegedly committed by the defendant against the child or person with a disability who is the victim of the offense or against another person who is a child younger than 14 years of age or a person with a disability; and

(iii)  otherwise admissible as evidence under Article 38.37, Rule 404 or 405, Texas Rules of Evidence, or another law or rule of evidence of this state;

(2)  were made by the child or person with a disability against whom the charged offense or extraneous crime, wrong, or act was allegedly committed; and

(3)  were made to the first person, 18 years of age or older, other than the defendant, to whom the child or person with a disability made a statement about the offense or extraneous crime, wrong, or act.

SECTION 2.  The change in law made by this Act applies to a criminal proceeding that commences on or after the effective date of this Act. A criminal proceeding that commences before the effective date of this Act is governed by the law in effect when the proceeding commenced, and the former law is continued in effect for that purpose.

SECTION 3.  This Act takes effect September 1, 2019.