By:  Powell S.B. No. 2136

(In the Senate - Filed March 7, 2019; March 21, 2019, read first time and referred to Committee on Criminal Justice; May 1, 2019, reported favorably by the following vote: Yeas 7, Nays 0; May 1, 2019, sent to printer.)

COMMITTEE VOTE

               Yea Nay Absent  PNV

Whitmire        X

Huffman         X

Buckingham      X

Flores          X

Hughes          X

Miles           X

Perry           X

A BILL TO BE ENTITLED

AN ACT

relating to the admissibility of evidence in the prosecution of an offense committed against a member of the defendant's family or household or person in a dating relationship with the defendant.

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

SECTION 1.  The heading to Article 38.371, Code of Criminal Procedure, is amended to read as follows:

Art. 38.371.  EVIDENCE IN PROSECUTION [~~PROSECUTIONS~~] OF OFFENSE COMMITTED AGAINST MEMBER OF DEFENDANT'S FAMILY OR HOUSEHOLD OR PERSON IN DATING RELATIONSHIP WITH DEFENDANT [~~CERTAIN OFFENSES INVOLVING FAMILY VIOLENCE~~].

SECTION 2.  Article 38.371(a), Code of Criminal Procedure, is amended to read as follows:

(a)  This article applies to a proceeding in the prosecution of a defendant for an offense, or for an attempt or conspiracy to commit an offense, for which the alleged victim is [~~that is committed under:~~

[~~(1) Section 22.01, 22.02, or 22.04, Penal Code, against~~] a person whose relationship to or association with the defendant is described by Section 71.0021(b), 71.003, or 71.005, Family Code[~~; or~~

[~~(2) Section 25.07 or 25.072, Penal Code, if the offense is based on a violation of an order or a condition of bond in a case involving family violence~~].

SECTION 3.  The change in law made by this Act applies to the admissibility of evidence in a criminal proceeding that commences on or after the effective date of this Act. The admissibility of evidence in a criminal proceeding that commences before the effective date of this Act is governed by the law in effect on the date the proceeding commenced, and the former law is continued in effect for that purpose.

SECTION 4.  This Act takes effect September 1, 2019.

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