

By: Davis of Dallas

H.B. No. 2875

Substitute the following for H.B. No. 2875:

By: Pacheco

C.S.H.B. No. 2875

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the admissibility and use of certain evidence in the
3 prosecution of the offense of exploitation of a child, elderly
4 individual, or disabled individual.

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 38.471 to read as follows:

8 Art. 38.471. EVIDENCE IN PROSECUTION FOR EXPLOITATION OF
9 CHILD, ELDERLY INDIVIDUAL, OR DISABLED INDIVIDUAL. (a) In the
10 prosecution of an offense under Section 32.53, Penal Code, evidence
11 that the defendant has engaged in other conduct that is similar to
12 the alleged criminal conduct may be admitted for the purpose of
13 showing the defendant's knowledge or intent regarding an element of
14 the offense.

15 (b) Rule 403, Texas Rules of Evidence, applies to this
16 article. This article does not permit the presentation of
17 character evidence that would otherwise be inadmissible under the
18 Texas Rules of Evidence or other applicable law.

19 SECTION 2. The change in law made by this Act applies to the
20 admissibility of evidence in a criminal proceeding that commences
21 on or after the effective date of this Act. The admissibility of
22 evidence in a criminal proceeding that commences before the
23 effective date of this Act is governed by the law in effect when the
24 proceeding commenced, and the former law is continued in effect for

1 that purpose.

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