

## **BILL ANALYSIS**

S.B. 1019  
By: Huffman  
Criminal Jurisprudence  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

The 88th Texas Legislature enacted S.B. 1527, a human trafficking omnibus bill that raised the applicable age for alleged child victims to receive support from an outcry witness in criminal proceedings involving sexual, assaultive, or trafficking offenses. Before the bill's passage, outcry testimony was allowed from the first person 18 years of age or older to whom a child younger than 14 years of age made statements concerning their abuse and S.B. 1527 made the rule applicable to a statement made by a child victim younger than 18 years of age. However, as the bill sponsor has informed the committee, this change to the Code of Criminal Procedure was not accompanied by a corresponding update for purposes of a hearing under the juvenile justice code in which a child is alleged to be a delinquent child on the basis of a violation of certain sexual, assaultive, or trafficking offenses if the child is 12 years of age or younger or if the person is a person 13 years of age or older who because of age or physical or mental disease, disability, or injury is substantially unable to protect the person's self from harm or to provide food, shelter, or medical care for the person's self. The bill sponsor has informed the committee that to ensure consistency across Texas' statutes, there is not only a need to update the age of a child in that Family Code provision but also a need to explicitly define "person with a disability" in that same provision for purposes of outcry testimony by referencing the Penal Code definition of "disabled individual" to clarify applicability of outcry testimony. Accordingly, S.B. 1019 seeks to revise the applicability of provisions relating to the admissibility of hearsay statements of a child or a person with a disability who is the alleged victim of certain sexual, assaultive, or trafficking offenses for purposes of a hearing under the juvenile justice code in which a child is alleged to be a delinquent child on the basis of such offenses.

### **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**

S.B. 1019 amends the Family Code to revise the applicability of provisions relating to the admissibility of hearsay statements of a child or a person with a disability who is the alleged victim of certain sexual, assaultive, or trafficking offenses, in a hearing under the juvenile justice code in which a child is alleged to be a delinquent child on the basis of such offenses, as follows:

- changes from a child 12 years of age or younger to a child 18 years of age or younger to which the provisions are applicable; and
- replaces the provision specifying that a "person with a disability" means a person 13 years of age or older who because of age or physical or mental disease, disability, or

injury is substantially unable to protect the person's self from harm or to provide food, shelter, or medical care for the person's self with a provision specifying that the term has the same meaning as the term "disabled individual" under Penal Code provisions relating to the offense of injury to a child, elderly person, or disabled individual.

S.B. 1019 applies to a case in a juvenile court that commences on or after the bill's effective date. A case that commences before the bill's effective date is governed by the law in effect on the date the case commenced, and the former law is continued in effect for that purpose.

**EFFECTIVE DATE**

September 1, 2025.