

BILL ANALYSIS

H.B. 2951
By: Guillen
Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

It has noted that there multiple session laws relating to the admissibility of hearsay statements in the prosecution of certain sexual and assaultive offenses committed against a child or person with a disability. While these sessions laws do not necessarily conflict with one another, the differences in the language used in the laws may be confusing and may lead to issues in their application. H.B. 2951 seeks to address this issue by merging the session laws and making a clarification.

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

H.B. 2951 reenacts and amends 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, to make certain conforming changes and to clarify that, for purposes of a proceeding in the prosecution of certain sexual or assaultive offenses committed against a child younger than 14 years of age or a person with a disability:

- an otherwise qualifying statement that describes the alleged offense and is made by the person with a disability against whom the offense was allegedly committed is not inadmissible because of the hearsay rule if the requisite conditions are met; and
- an otherwise qualifying statement offered during the punishment phase of the proceeding that describes an extraneous crime, wrong, or act that was allegedly committed by the defendant against the person with a disability or another person with a disability is not inadmissible because of the hearsay rule if the requisite conditions are met.

EFFECTIVE DATE

September 1, 2019.