(d) All requirements of the constitution and laws of this state and the rules and procedures of the legislature with respect to the notice, introduction, and passage of this Act are fulfilled and accomplished.

SECTION 3. This Act takes effect September 1, 2013.

Passed by the House on April 18, 2013: Yeas 143, Nays 0, 2 present, not voting; passed by the Senate on May 17, 2013: Yeas 31, Nays 0.

Approved June 14, 2013.
Effective September 1, 2013.

CHAPTER 387

S.B. No. 12

AN ACT

relating to the admissibility of evidence of other similar offenses in the prosecution of certain sexual offenses.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Article 38.37, Code of Criminal Procedure, is amended by amending Sections 1, 2, and 3 and adding Section 2-a to read as follows:

Sec. 1. (a) Subsection (b) applies to a proceeding in the prosecution of a defendant for an offense, or an attempt or conspiracy to commit an offense, under the following provisions of the Penal Code:

(1) if committed against a child under 17 years of age:
   (A) Chapter 21 (Sexual Offenses);
   (B) Chapter 22 (Assaultive Offenses); or
   (C) Section 25.02 (Prohibited Sexual Conduct); or
(2) if committed against a person younger than 18 years of age:
   (A) Section 43.25 (Sexual Performance by a Child);
   (B) Section 20A.02(a)(7) or (8); or
   (C) Section 43.05(a)(2) (Compelling Prostitution).

(b) Notwithstanding Rules 404 and 405, Texas Rules of Evidence, evidence of other crimes, wrongs, or acts committed by the defendant against the child who is the victim of the alleged offense shall be admitted for its bearing on relevant matters, including:

(1) the state of mind of the defendant and the child; and
(2) the previous and subsequent relationship between the defendant and the child.

Sec. 2. (a) Subsection (b) applies only to the trial of a defendant for:

(1) an offense under any of the following provisions of the Penal Code:
   (A) Section 20A.02, if punishable as a felony of the first degree under Section 20A.02(b)(1) (Sex Trafficking of a Child);
   (B) Section 21.02 (Continuous Sexual Abuse of Young Child or Children);
   (C) Section 21.11 (Indecency With a Child);
   (D) Section 22.011(a)(2) (Sexual Assault of a Child);
   (E) Sections 22.021(a)(1)(B) and (2) (Aggravated Sexual Assault of a Child);
   (F) Section 33.021 (Online Solicitation of a Minor);
   (G) Section 43.23 (Sexual Performance by a Child); or
   (H) Section 43.26 (Possession or Promotion of Child Pornography), Penal Code; or
(2) an attempt or conspiracy to commit an offense described by Subdivision (1).
(b) Notwithstanding Rules 404 and 405, Texas Rules of Evidence, and subject to Section 2-a, evidence that the defendant has committed a separate offense described by Subsection (a)(1) or (2) may be admitted in the trial of an alleged offense described by Subsection (a)(1) or (2) for any bearing the evidence has on relevant matters, including the character of the defendant and acts performed in conformity with the character of the defendant.

Sec. 2-a. Before evidence described by Section 2 may be introduced, the trial judge must:
(1) determine that the evidence likely to be admitted at trial will be adequate to support a finding by the jury that the defendant committed the separate offense beyond a reasonable doubt; and
(2) conduct a hearing out of the presence of the jury for that purpose.
Sec. 3. The state shall give the defendant notice of the state's intent to introduce in the case in chief evidence described by Section 1 or 2 not later than the 30th day before the date of the defendant's trial [in the same manner as the state is required to give notice under Rule 404(b), Texas Rules of Evidence].

SECTION 2. 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 covered 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, 2013.
Passed the Senate on March 26, 2013: Yeas 31, Nays 0; passed the House on May 17, 2013: Yeas 135, Nays 4, two present not voting.
Approved June 14, 2013.
Effective September 1, 2013.

CHAPTER 388

S.B. No. 50

AN ACT

relating to the Children's Policy Council, including the composition of the council.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Subsections (a), (b), (e), (f), (g), (i), (j), (k), and (l), Section 22.035, Human Resources Code, are amended to read as follows:

(a) A work group to be known as the Children's Policy Council shall assist the Department of Aging and Disability Services [department], the Health and Human Services Commission [commissioner of health and human services], the (Texas) Department of State Health Services, the (Texas) Department of Assistive and Rehabilitative Services [Mental Health and Mental Retardation], and the Department of Family and Protective [and Regulatory] Services in developing, implementing, and administering family support policies for children with disabilities relating to:

(1) [and related] long-term services and supports;
(2) health services; and
(3) mental [care and] health services [programs for children].

(b) The executive commissioner of the Health and Human Services Commission [health and human services] shall appoint the members of the work group, which must include the following:

(1) a person who is younger than 22 years of age and is a consumer of long-term care and health programs for children;
(2) an individual who is younger than 25 years of age and who receives or has received mental health services;

1168