

BILL ANALYSIS

Senate Research Center
77R4383 KEL-D

H.B. 1209
By: Williams (Shapiro)
Criminal Justice
5/8/2001
Engrossed

DIGEST AND PURPOSE

A conviction for sexual assault or aggravated sexual assault is supportable on the uncorroborated testimony of the victim if the victim informed any person, other than the defendant, of the alleged offense within one year after the date on which the offense is alleged to have occurred. Currently, only a person under the age of 18 is exempt from the requirement that the victim tell another person of the alleged offense. Age is not the only factor that can hinder a victim's ability to tell another of an alleged offense. In some cases, victims who by reason of age or physical or mental disease, defect, or injury are incapable of caring for themselves may be unable to report an alleged crime to another person. H.B. 1209 exempts a person age 17 or younger, age 65 or older, or a person age 18 or older who by reason of age or physical or mental disease, defect, or injury was substantially unable to satisfy the person's need for food, shelter, medical care, or protection from harm from the requirements that the victim inform another person of sexual assault or aggravated sexual assault within one year so that a conviction for such an offense is supportable on the uncorroborated testimony of the victim.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Article 38.07, Code of Criminal Procedure, to provide that a conviction under Chapter 21 (Sexual Offenses), Section 22.011 (Sexual Assault), or Section 22.021 (Aggravated Sexual Assault), Penal Code, is supportable on the uncorroborated testimony of the victim of the sexual offense if the victim informed any person, other than the defendant, of the alleged offense within one year after the date on which the offense is alleged to have occurred. Provides that the requirement that the victim inform another person of an alleged offense does not apply if at the time of the alleged offense the victim, rather than being younger than 18 years of age at the time of the alleged offense, was a person 17 years of age or younger; 65 years of age or older; or 18 years of age or older who by reason of age or physical or mental disease, defect, or injury was substantially unable to satisfy the person's need for food, shelter, medical care, or protection from harm.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2001.