

BILL ANALYSIS

Senate Research Center

S.B. 1250
By: West
State Affairs
6/15/2017
Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Currently, Article 38.371 (Evidence in Prosecutions of Certain Offenses Involving Family Violence), Code of Criminal Procedure, permits the introduction of testimony or other evidence of all relevant facts and circumstances that would assist the trier of fact in determining whether the actor committed assault or aggravated assault, or violated various types of restraining orders, when the alleged victim was in a dating relationship with the accused, or a member of the same family or household. This includes testimony or evidence regarding the nature of the relationship between the actor and the alleged victim.

Interested parties believe that, because of the vulnerable nature of the potential victims and the underreported nature of crimes against such persons, this evidentiary provision should also apply to the offense of Injury to a Child, Elderly Individual, or Disabled Individual (Section 22.04, Penal Code).

S.B. 1250 amends current law relating to the admissibility of certain evidence in the prosecution of certain offenses involving family violence.

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 38.371(a), Code of Criminal Procedure, as follows:

(a) Provides that this article applies to a proceeding in the prosecution of a defendant for an offense, or for an attempt or conspiracy to commit an offense, that is committed under:

(1) Section 22.01 (Assault), 22.02 (Aggravated Assault), or 22.04 (Injury to a Child, Elderly Individual, or Disabled Individual), Penal Code, against a person whose relationship to or association with the defendant is described by Section 71.0021(b) (relating to the definition of "dating relationship"), 71.003 (Family), or 71.005 (Household), Family Code; or

(2) makes no change to this subdivision.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2017.