

By: Powell

S.B. No. 2136

A BILL TO BE ENTITLED

AN ACT

relating to the admissibility of evidence in the prosecution of an offense committed against a member of the defendant's family or household or person in a dating relationship with the defendant.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. The heading to Article 38.371, Code of Criminal Procedure, is amended to read as follows:

Art. 38.371. EVIDENCE IN PROSECUTION [~~PROSECUTIONS~~] OF OFFENSE COMMITTED AGAINST MEMBER OF DEFENDANT'S FAMILY OR HOUSEHOLD OR PERSON IN DATING RELATIONSHIP WITH DEFENDANT [~~CERTAIN OFFENSES INVOLVING FAMILY VIOLENCE~~].

SECTION 2. Article 38.371(a), Code of Criminal Procedure, is amended to read as follows:

(a) 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, for which the alleged victim is [~~that is committed under:~~

~~[(1) Section 22.01, 22.02, or 22.04, Penal Code, against]~~ a person whose relationship to or association with the defendant is described by Section 71.0021(b), 71.003, or 71.005, Family Code [~~, or~~

~~[(2) Section 25.07 or 25.072, Penal Code, if the offense is based on a violation of an order or a condition of bond in a case involving family violence].~~

1 SECTION 3. The change in law made by this Act applies to the
2 admissibility of evidence in a criminal proceeding that commences
3 on or after the effective date of this Act. The admissibility of
4 evidence in a criminal proceeding that commences before the
5 effective date of this Act is governed by the law in effect on the
6 date the proceeding commenced, and the former law is continued in
7 effect for that purpose.

8 SECTION 4. This Act takes effect September 1, 2019.