

BILL ANALYSIS

S.B. 390
By: Burton
Juvenile Justice & Family Issues
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Interested parties note that it can take many years for a case against a defendant charged with a crime to make it to trial, and these parties emphasize the effect of this delay when a case involves a child victim. The parties explain that a child victim may refuse to testify at a trial that has been overly delayed because, having spent a significant period attempting to recover from the harm done to the child as a result of the crime, a child victim may often believe that reliving that experience in open court threatens the child's recovery. As a result, a defendant who would otherwise have faced trial is allowed to go free because of the child victim's refusal to testify. The parties note that multiple states have enacted laws to place the trial of a criminal action involving a victim under the age of 14 at the front of the docket and, reportedly, have seen a decrease in the number of cases in which child victims refuse to testify and, in addition, have not noticed negative effects of this procedure. The parties also point to a recent court decision in Fort Worth ruling that judges may place child victim cases before other crimes. The goal of S.B. 390 is to codify that decision and make child victim prioritization the rule, rather than simply an option, by amending current law relating to docket preference for trials in which the alleged victim is younger than 14 years of age.

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

S.B. 390 amends the Code of Criminal Procedure to require the trial of a criminal action in which the alleged victim is younger than 14 years of age to be given preference over other matters before the court, whether civil or criminal, unless extraordinary circumstances require otherwise.

EFFECTIVE DATE

September 1, 2015.