

1 HB153  
2 156204-1  
3 By Representative Farley  
4 RFD: Judiciary  
5 First Read: 14-JAN-14

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8 SYNOPSIS: Under existing law, out-of-court statements  
9 made by a child under 12 years of age at the time  
10 of a criminal proceeding concerning a crime  
11 involving a child physical offense, a sexual  
12 offense, or exploitation are admissible in evidence  
13 under certain conditions.

14 This bill would provide that the statements  
15 would be admissible if the child was under 12 years  
16 of age at the time the statement was given.

17  
18 A BILL  
19 TO BE ENTITLED  
20 AN ACT  
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22 To amend Section 15-25-31, Code of Alabama 1975,  
23 relating to the admissibility of an out-of-court statement of  
24 a child in certain criminal proceedings involving a child  
25 physical offense, a sexual offense, or exploitation; to  
26 provide that an out-of-court statement would be admissible

1 under certain conditions if the child was under 12 years of  
2 age at the time the statement was given.

3 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

4 Section 1. Section 15-25-31, Code of Alabama 1975,  
5 is amended to read as follows:

6 "§15-25-31.

7 "An out-of-court statement made by a child under 12  
8 years of age at the time ~~of the proceeding~~ the statement was  
9 given concerning an act that is a material element of any  
10 crime involving a child physical offense, sexual offense, ~~and~~  
11 or exploitation, as defined in Section 15-25-39, which  
12 statement is not otherwise admissible in evidence, is  
13 admissible in evidence in criminal proceedings, if the  
14 requirements of Section 15-25-32 are met."

15 Section 2. This act shall become effective on the  
16 first day of the third month following its passage and  
17 approval by the Governor, or its otherwise becoming law.