

1 SB224
2 156204-1
3 By Senator Fielding
4 RFD: Judiciary
5 First Read: 21-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
21

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.