

By: Sherman, Sr.

H.B. No. 1645

A BILL TO BE ENTITLED

1 AN ACT
2 relating to an affirmative finding of family violence entered in
3 the trial of certain offenses and to certain family violence
4 protective orders.

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

6 SECTION 1. Article 42.013, Code of Criminal Procedure, is
7 amended to read as follows:

8 Art. 42.013. FINDING OF FAMILY VIOLENCE. In the trial of an
9 offense under any provision of the [~~Title 5,~~] Penal Code, if the
10 court determines that the offense involved family violence, as
11 defined by Section 71.004, Family Code, the court shall make an
12 affirmative finding of that fact and enter the affirmative finding
13 in the judgment of the case.

14 SECTION 2. Article 42A.504(b), Code of Criminal Procedure,
15 is amended to read as follows:

16 (b) If a judge grants community supervision to a defendant
17 convicted of an offense [~~under Title 5, Penal Code,~~] that the court
18 determines involves family violence, the judge shall require the
19 defendant to pay a fine of \$100 to a family violence center that:

- 20 (1) receives state or federal funds; and
21 (2) serves the county in which the court is located.

22 SECTION 3. Section 81.0015, Family Code, is amended to read
23 as follows:

24 Sec. 81.0015. PRESUMPTION. For purposes of this subtitle,

1 there is a presumption that family violence has occurred and is
2 likely to occur in the future if:

3 (1) the respondent has been convicted of or placed on
4 deferred adjudication community supervision for any of the
5 following offenses against the child for whom the petition is
6 filed:

7 (A) an offense [~~under Title 5, Penal Code,~~] for
8 which the court has made an affirmative finding that the offense
9 involved family violence under Article 42.013, Code of Criminal
10 Procedure; or

11 (B) an offense under Title 6, Penal Code;

12 (2) the respondent's parental rights with respect to
13 the child have been terminated; and

14 (3) the respondent is seeking or attempting to seek
15 contact with the child.

16 SECTION 4. Chapter 83, Family Code, is amended by adding
17 Section 83.0015 to read as follows:

18 Sec. 83.0015. SERVICE OF NOTICE OF TEMPORARY EX PARTE
19 ORDER. Notice of a temporary ex parte order issued under this
20 chapter must be served personally on the respondent.

21 SECTION 5. Articles 42.013 and 42A.504(b), Code of Criminal
22 Procedure, as amended by this Act, apply only to an offense
23 committed on or after the effective date of this Act. An offense
24 committed before the effective date of this Act is governed by the
25 law in effect on the date the offense was committed, and the former
26 law is continued in effect for that purpose. For purposes of this
27 section, an offense was committed before the effective date of this

1 Act if any element of the offense was committed before that date.

2 SECTION 6. Section 83.0015, Family Code, as added by this
3 Act, applies only to a temporary ex parte protective order issued
4 under Chapter 83, Family Code, on or after the effective date of
5 this Act. A temporary ex parte protective order issued under
6 Chapter 83, Family Code, before the effective date of this Act is
7 governed by the law in effect immediately before that date, and the
8 former law is continued in effect for that purpose.

9 SECTION 7. This Act takes effect September 1, 2021.