

By: Landgraf

H.B. No. 3032

A BILL TO BE ENTITLED

AN ACT

1
2 relating to periods of detention following arrest and increasing
3 the criminal penalties for violation of certain court orders and
4 conditions of bond.

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

6 SECTION 1. Article 17.291, Code of Criminal Procedure, is
7 amended by amending Subsection (b) and adding Subsection (c) to
8 read as follows:

9 (b) Subject to Subsection (c), Article 17.29 does not apply
10 when a person has been arrested or held without a warrant in the
11 prevention of family violence if there is probable cause to believe
12 the violence will continue if the person is immediately released.
13 The head of the agency arresting or holding such a person may hold
14 the person for a period of not more than four hours after bond has
15 been posted. This detention period may be extended for an
16 additional period not to exceed 48 hours, but only if authorized in
17 a writing directed to the person having custody of the detained
18 person by a magistrate who concludes that:

19 (1) the violence would continue if the person is
20 released; and

21 (2) if the additional period exceeds 24 hours,
22 probable cause exists to believe that the person committed the
23 instant offense and that, during the 10-year period preceding the
24 date of the instant offense, the person has been arrested:

1 (A) on more than one occasion for an offense
2 involving family violence; or

3 (B) for any other offense, if a deadly weapon, as
4 defined by Section 1.07, Penal Code, was used or exhibited during
5 commission of the offense or during immediate flight after
6 commission of the offense.

7 (c) Article 17.29 does not apply to a person who has been
8 arrested for an offense under Section 25.07 or 25.072, Penal Code.
9 The head of the agency with custody of the person shall hold the
10 person for a minimum of 72 hours, regardless of whether bond has
11 been posted.

12 SECTION 2. Section 25.07(g), Penal Code, is amended to read
13 as follows:

14 (g) An offense under this section is ~~[a Class A misdemeanor,~~
15 ~~except the offense is:~~

16 ~~[(1) subject to Subdivision (2), a state jail felony~~
17 ~~if it is shown at the trial of the offense that the defendant~~
18 ~~violated an order issued under Subchapter A, Chapter 7B, Code of~~
19 ~~Criminal Procedure, following the defendant's conviction of or~~
20 ~~placement on deferred adjudication community supervision for an~~
21 ~~offense, if the order was issued with respect to a victim of that~~
22 ~~offense; or~~

23 ~~[(2)] a felony of the third degree [if it is shown on~~
24 ~~the trial of the offense that the defendant:~~

25 ~~[(A) has previously been convicted two or more~~
26 ~~times of an offense under this section or two or more times of an~~
27 ~~offense under Section 25.072, or has previously been convicted of~~

1 ~~an offense under this section and an offense under Section 25.072,~~
2 ~~or~~

3 ~~[(B) has violated the order or condition of bond~~
4 ~~by committing an assault or the offense of stalking].~~

5 SECTION 3. Section 25.072(e), Penal Code, is amended to
6 read as follows:

7 (e) An offense under this section is a felony of the second
8 ~~[third]~~ degree.

9 SECTION 4. Section 164.057(a), Occupations Code, is
10 amended to read as follows:

11 (a) The board shall suspend a physician's license on proof
12 that the physician has been:

13 (1) initially convicted of:

14 (A) a felony;

15 (B) a misdemeanor under Chapter 22, Penal Code,
16 other than a misdemeanor punishable by fine only;

17 (C) a misdemeanor on conviction of which a
18 defendant is required to register as a sex offender under Chapter
19 62, Code of Criminal Procedure; or

20 (D) ~~[a misdemeanor under Section 25.07, Penal~~
21 ~~Code; or~~

22 ~~[(E)]~~ a misdemeanor under Section 25.071, Penal
23 Code; or

24 (2) subject to an initial finding by the trier of fact
25 of guilt of a felony under:

26 (A) Chapter 481 or 483, Health and Safety Code;

27 (B) Section 485.033, Health and Safety Code; or

1 (C) the Comprehensive Drug Abuse Prevention and
2 Control Act of 1970 (21 U.S.C. Section 801 et seq.).

3 SECTION 5. Section 201.5065(a), Occupations Code, is
4 amended to read as follows:

5 (a) The board shall suspend a chiropractor's license on
6 proof that the chiropractor has been:

7 (1) initially convicted of:

8 (A) a felony;

9 (B) a misdemeanor under Chapter 22, Penal Code,
10 other than a misdemeanor punishable by fine only;

11 (C) a misdemeanor on conviction of which a
12 defendant is required to register as a sex offender under Chapter
13 62, Code of Criminal Procedure; or

14 ~~(D) [a misdemeanor under Section 25.07, Penal~~
15 ~~Code; or~~

16 ~~[(E)]~~ a misdemeanor under Section 25.071, Penal
17 Code; or

18 (2) subject to an initial finding by the trier of fact
19 of guilt of a felony under:

20 (A) Chapter 481 or 483, Health and Safety Code;

21 (B) Section 485.033, Health and Safety Code; or

22 (C) the Comprehensive Drug Abuse Prevention and
23 Control Act of 1970 (21 U.S.C. Section 801 et seq.).

24 SECTION 6. Section 263.006(a), Occupations Code, is amended
25 to read as follows:

26 (a) The board shall suspend a license holder's license
27 issued under this subtitle on proof that the person has been:

1 (1) initially convicted of:

2 (A) a felony;

3 (B) a misdemeanor under Chapter 22, Penal Code,
4 other than a misdemeanor punishable by fine only;

5 (C) a misdemeanor on conviction of which a
6 defendant is required to register as a sex offender under Chapter
7 62, Code of Criminal Procedure; or

8 (D) [~~a misdemeanor under Section 25.07, Penal~~
9 ~~Code; or~~

10 [~~(E)~~] a misdemeanor under Section 25.071, Penal
11 Code; or

12 (2) subject to an initial finding by the trier of fact
13 of guilt of a felony under:

14 (A) Chapter 481 or 483, Health and Safety Code;

15 (B) Section 485.033, Health and Safety Code; or

16 (C) the Comprehensive Drug Abuse Prevention and
17 Control Act of 1970 (21 U.S.C. Section 801 et seq.).

18 SECTION 7. Section 25.07(h), Penal Code, is repealed.

19 SECTION 8. Article 17.291, Code of Criminal Procedure, as
20 amended by this Act, applies only to a person who is arrested on or
21 after the effective date of this Act. A person arrested before the
22 effective date of this Act is governed by the law in effect on the
23 date the person was arrested, and the former law is continued in
24 effect for that purpose.

25 SECTION 9. Sections 25.07 and 25.072, Penal Code, as
26 amended by this Act, and Sections 164.057, 201.5065, and 263.006,
27 Occupations Code, as amended by this Act, apply only to an offense

1 committed on or after the effective date of this Act. An offense
2 committed before the effective date of this Act is governed by the
3 law in effect when the offense was committed, and the former law is
4 continued in effect for that purpose. For purposes of this
5 section, an offense was committed before the effective date of this
6 Act if any element of the offense occurred before that date.

7 SECTION 10. This Act takes effect September 1, 2023.