

By: A. Davis of Dallas, Jones of Harris

H.B. No. 2046

A BILL TO BE ENTITLED

AN ACT

relating to an affirmative finding of family violence entered in the trial of certain offenses.

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

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

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

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

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

(1) receives state or federal funds; and

(2) serves the county in which the court is located.

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

Sec. 81.0015. PRESUMPTION. For purposes of this subtitle, there is a presumption that family violence has occurred if:

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

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

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

10 (2) the respondent's parental rights with respect to
11 the child have been terminated.

12 SECTION 4. Articles 42.013 and 42A.504(b), Code of Criminal
13 Procedure, as amended by this Act, apply only to an offense
14 committed on or after the effective date of this Act. An offense
15 committed before the effective date of this Act is governed by the
16 law in effect on the date the offense was committed, and the former
17 law is continued in effect for that purpose. For purposes of this
18 section, an offense was committed before the effective date of this
19 Act if any element of the offense was committed before that date.

20 SECTION 5. This Act takes effect September 1, 2025.