

BILL ANALYSIS

C.S.H.B. 374

By: Dutton

Juvenile Justice & Family Issues
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Currently, Texas law provides that a parent of a child has the right and a duty to care, control, protect, and reasonably discipline a child. However, often times, when parents discipline their minor children, with the use of corporal punishment, or “spanking”, they are confronted with confusion as to any possible criminal charges that may arise from the use of such punishment. C.S.H.B. 374 would eliminate this confusion, and provide that a parent and those having a duty to control and reasonably discipline a child may use corporal punishment for the reasonable discipline of the child.

RULEMAKING AUTHORITY

It is the committee’s opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

SECTION BY SECTION ANALYSIS

Section 1. Amends Art. 151.001, Family Code by adding Subsection (e) to provide that a parent and those having a duty to control and reasonably discipline a child may use corporal punishment for the reasonable discipline of the child.

Section 2. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2003.

EFFECTIVE DATE

Upon passage, or, if the Act does not receive the necessary vote, the Act takes effect September 1, 2003.

COMPARISON OF ORIGINAL TO SUBSTITUTE

C.S.H.B. 374 modifies the original H.B. 374 by providing that a parent and those having a duty to control and reasonably discipline a child may use corporal punishment for the reasonable discipline of the child.