

BILL ANALYSIS

Senate Research Center
78R6359 KCR-F

S.B. 686
By: Hinojosa
Criminal Justice
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DIGEST AND PURPOSE

Current law allows for the enhancement of an assault resulting in bodily injury to a member of the defendant's family or household if it is established during the trial that the actor had been previously convicted of an offense against a member of the defendant's family or household under Section 22.01 (Assault), Penal Code. However, the word "section" limits the state ability to enhance subsequent assault against family members if the actor has been previously convicted of one of the more severe assaultive offense covered in other parts of Chapter 22. As proposed, S.B. 686 changes the word "section" to "chapter" to allow prosecutors to enhance family violence assault when it is shown on trial that the actor has been previously convicted of any offenses against a member of the actor's family or household.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Sections 22.01(b) and (f), Penal Code, as follows:

(b) Provides that an offense is a felony of the third degree if the offense is committed against a person whose relationship to or association with the defendant is described by Section 71.0021(b) (Dating Violence), 71.003 (Family), or 71.005 (Household), Family Code, rather than a member of the defendant's family or household, if it is shown on the trial of the offense that the defendant has been previously convicted of an offense under this chapter against a person whose relationship to or association with the defendant is described by Section 71.0021(b), 71.003, or 71.005, Family Code, rather than a member of the defendant's family or household under this section.

(f) Makes conforming changes.

SECTION 2. Repealer: Section 22.01(e), Penal Code (regarding assault).

SECTION 3. Effective date: September 1, 2003.
Makes application of this Act prospective.