

BILL ANALYSIS

C.S.S.B. 91
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Criminal Jurisprudence
Committee Report (Substituted)

BACKGROUND 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 assault against a member of the defendant's family or household. However, this limits the ability of the state to enhance subsequent assaults against family members if the actor has been previously convicted of one of the more severe assaultive offenses covered in other parts of Chapter 22, Penal Code. As proposed, C.S.S.B. 91 allows for the enhancement if the defendant has been previously convicted of any assaultive offense under Chapter 22, Penal Code.

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.

ANALYSIS

C.S.S.B. 91 allows an assault to be enhanced if it was committed against a member of the defendant's family, household, or person with which the defendant has a dating relationship if it is established during the trial that the actor had been previously convicted of an assaultive offense against a person within one of those categories. A conviction may also be enhanced if the defendant was previously convicted in another state for an offense that is substantially similar to an offense categorized in Chapter 22, Penal Code.

EFFECTIVE DATE

September 1, 2005.

COMPARISON OF ORIGINAL TO SUBSTITUTE

The substitute allows a conviction to be enhanced if the defendant was previously convicted in another state for an offense that is substantially similar to an offense categorized in Chapter 22, Penal Code.