

By: Guillen

H.B. No. 1052

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the creation of an offense for family violence
3 committed in the presence of a child.

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

5 SECTION 1. Section 22.041, Penal Code, is amended by
6 amending Subsection (f) and adding Subsections (c-1) and (i) to
7 read as follows:

8 (c-1) A person commits an offense if the person:

9 (1) engages in conduct that involves family violence,
10 as defined by Section 71.004, Family Code; and

11 (2) intentionally engaged in the conduct in the
12 presence of a child younger than 17 years of age and was reckless as
13 to the presence of the child.

14 (f) An offense under Subsection (c) or (c-1) is a state jail
15 felony.

16 (i) It is a defense to prosecution under Subsection (c-1)
17 that the child who was present during the conduct would have been
18 criminally responsible as a party to the offense, had the child
19 reached the age of criminal responsibility.

20 SECTION 2. This Act takes effect September 1, 2005.