

BILL ANALYSIS

S.B. 1558
By: Hinojosa
Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

The 79th Legislature, Regular Session, 2003, modified the assault and aggravated assault statutes of the Penal Code to enhance the penalties for subsequent convictions of family violence, including dating violence and violence committed against a family member or household. Unfortunately, the current statutes do not include citations to Section 71.006 (Member of a Household), Family Code. As such, courts have found that assault and aggravated assault committed against former household members will not trigger such enhanced penalties. This hinders the state's ability to prevent subsequent incidents of assault from occurring against a former live-in partner who no longer lives with the abuser.

As proposed, S.B. 1558 adds the appropriate citations from Section 71.006, Family Code, to the Penal Code, in order that these enhanced penalties will apply to a person who commits assault or aggravated assault against a victim who is a former member of the person's household.

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

Senate Bill 1558 amends the Penal Code by applying Section 71.006 (Member of a Household), Family Code, to Section 22.01(b)(2) and (f), Penal Code, as well as Section 22.02(b)(1), Penal Code, in order for certain enhanced penalties to apply to a member of a household for offenses of assault or aggravated assault. Makes application of this Act prospective.

EFFECTIVE DATE

September 1, 2007.