

By: Martinez Fischer

H.B. No. 3046

A BILL TO BE ENTITLED

AN ACT

relating to the punishment for certain criminal offenses involving family violence.

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

SECTION 1. Section 22.01(c), Penal Code, is amended to read as follows:

(c) An offense under Subsection (a)(2) or (3) is a Class C misdemeanor, except that the offense is:

(1) a Class A misdemeanor if the offense is committed under Subsection (a)(3) against an elderly individual or disabled individual, as those terms are defined by Section 22.04; or

(2) a Class B misdemeanor if the offense is committed:

(A) by a person who is not a sports participant against a person the actor knows is a sports participant either:

(i) [~~(A)~~] while the participant is performing duties or responsibilities in the participant's capacity as a sports participant; or

(ii) [~~(B)~~] in retaliation for or on account of the participant's performance of a duty or responsibility within the participant's capacity as a sports participant; or

(B) against a person whose relationship to or association with the actor is described by Section 71.0021(b), 71.003, or 71.005, Family Code.

SECTION 2. Section 14, Article 42.12, Code of Criminal

1 Procedure, as amended by Chapter 165, Acts of the 73rd Legislature,
2 Regular Session, 1993, Chapter 910, Acts of the 76th Legislature,
3 Regular Session, 1999, and Chapter 353, Acts of the 78th
4 Legislature, Regular Session, 2003, is amended by adding Subsection
5 (d) to read as follows:

6 (d) If the court grants community supervision to a person
7 charged with or convicted of an offense under Section 25.07, Penal
8 Code, that involves family violence, the court shall require as a
9 condition of community supervision that the person submit to
10 electronic monitoring.

11 SECTION 3. (a) The change in law made by Section 1 of this
12 Act applies only to an offense committed on or after the effective
13 date of this Act. An offense committed before the effective date of
14 this Act is covered by the law in effect when the offense was
15 committed, and the former law is continued in effect for that
16 purpose.

17 (b) The change in law made by Section 2 of this Act applies
18 only to a person granted community supervision for an offense
19 committed on or after the effective date of this Act. A person
20 granted community supervision for an offense committed before the
21 effective date of this Act is covered by the law in effect when the
22 offense was committed, and the former law is continued in effect for
23 that purpose.

24 (c) For purposes of this section, an offense was committed
25 before the effective date of this Act if any element of the offense
26 occurred before that date.

27 SECTION 4. This Act takes effect September 1, 2007.