

By: Lewis, Vaught, Moody

H.B. No. 2240

Substitute the following for H.B. No. 2240:

By: Gallego

C.S.H.B. No. 2240

A BILL TO BE ENTITLED

AN ACT

relating to creating the offense of continuous violence against the family.

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

SECTION 1. Chapter 25, Penal Code, is amended by adding Section 25.11 to read as follows:

Sec. 25.11. CONTINUOUS VIOLENCE AGAINST THE FAMILY. (a) A person commits an offense if, during a period that is 12 months or less in duration, the person two or more times engages in conduct that results in bodily injury to another person or persons whose relationship to or association with the defendant is described by Section 71.0021(b), 71.003, or 71.005, Family Code.

(b) If the jury is the trier of fact, members of the jury are not required to agree unanimously on the specific conduct in which the defendant engaged that resulted in bodily injury to the person or persons described by Subsection (a) or the exact date when that conduct occurred. The jury must agree unanimously that the defendant, during a period that is 12 months or less in duration, two or more times engaged in conduct that resulted in bodily injury to the person or persons described by Subsection (a).

(c) A defendant may not be convicted in the same criminal action of another offense the victim of which is an alleged victim of the offense under Subsection (a) and an element of which is any conduct that is alleged as an element of the offense under

Subsection (a) unless the other offense:

(1) is charged in the alternative;

(2) occurred outside the period in which the offense
alleged under Subsection (a) was committed; or

(3) is considered by the trier of fact to be a lesser
included offense of the offense alleged under Subsection (a).

(d) A defendant may not be charged with more than one count
under Subsection (a) if all of the specific conduct that is alleged
to have been engaged in is alleged to have been committed against a
single victim or members of the same household, as defined by
Section 71.005, Family Code.

(e) An offense under this section is a felony of the third
degree.

SECTION 2. Section 22.01(b), Penal Code, is amended to read
as follows:

(b) An offense under Subsection (a)(1) is a Class A
misdemeanor, except that the offense is a felony of the third degree
if the offense is committed against:

(1) a person the actor knows is a public servant while
the public servant is lawfully discharging an official duty, or in
retaliation or on account of an exercise of official power or
performance of an official duty as a public servant;

(2) a person whose relationship to or association with
the defendant is described by Section 71.0021(b), 71.003, or
71.005, Family Code, if it is shown on the trial of the offense that
the defendant has been previously convicted of an offense under
this chapter, Chapter 19, or Section 20.03, 20.04, ~~or~~ 21.11, or

1 25.11 against a person whose relationship to or association with
2 the defendant is described by Section 71.0021(b), 71.003, or
3 71.005, Family Code;

4 (3) a person who contracts with government to perform
5 a service in a facility as defined by Section 1.07(a)(14), Penal
6 Code, or Section 51.02(13) or (14), Family Code, or an employee of
7 that person:

8 (A) while the person or employee is engaged in
9 performing a service within the scope of the contract, if the actor
10 knows the person or employee is authorized by government to provide
11 the service; or

12 (B) in retaliation for or on account of the
13 person's or employee's performance of a service within the scope of
14 the contract;

15 (4) a person the actor knows is a security officer
16 while the officer is performing a duty as a security officer; or

17 (5) a person the actor knows is emergency services
18 personnel while the person is providing emergency services.

19 SECTION 3. The change in law made by this Act applies only
20 to an offense committed on or after the effective date of this Act.
21 An offense committed before the effective date of this Act is
22 covered by the law in effect when the offense was committed, and the
23 former law is continued in effect for that purpose. For purposes of
24 this section, an offense was committed before the effective date of
25 this Act if any element of the offense occurred before that date.

26 SECTION 4. This Act takes effect September 1, 2009.