

1-1 By: Lewis, et al. (Senate Sponsor - Nelson) H.B. No. 2240  
1-2 (In the Senate - Received from the House May 8, 2009;  
1-3 May 8, 2009, read first time and referred to Committee on Criminal  
1-4 Justice; May 22, 2009, reported favorably by the following vote:  
1-5 Yeas 6, Nays 0; May 22, 2009, sent to printer.)

1-6 A BILL TO BE ENTITLED  
1-7 AN ACT

1-8 relating to creating the offense of continuous violence against the  
1-9 family.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Chapter 25, Penal Code, is amended by adding  
1-12 Section 25.11 to read as follows:

1-13 Sec. 25.11. CONTINUOUS VIOLENCE AGAINST THE FAMILY. (a) A  
1-14 person commits an offense if, during a period that is 12 months or  
1-15 less in duration, the person two or more times engages in conduct  
1-16 that constitutes an offense under Section 22.01(a)(1) against  
1-17 another person or persons whose relationship to or association with  
1-18 the defendant is described by Section 71.0021(b), 71.003, or  
1-19 71.005, Family Code.

1-20 (b) If the jury is the trier of fact, members of the jury are  
1-21 not required to agree unanimously on the specific conduct in which  
1-22 the defendant engaged that constituted an offense under Section  
1-23 22.01(a)(1) against the person or persons described by Subsection  
1-24 (a) or the exact date when that conduct occurred. The jury must  
1-25 agree unanimously that the defendant, during a period that is 12  
1-26 months or less in duration, two or more times engaged in conduct  
1-27 that constituted an offense under Section 22.01(a)(1) against the  
1-28 person or persons described by Subsection (a).

1-29 (c) A defendant may not be convicted in the same criminal  
1-30 action of another offense the victim of which is an alleged victim  
1-31 of the offense under Subsection (a) and an element of which is any  
1-32 conduct that is alleged as an element of the offense under  
1-33 Subsection (a) unless the other offense:

1-34 (1) is charged in the alternative;

1-35 (2) occurred outside the period in which the offense  
1-36 alleged under Subsection (a) was committed; or

1-37 (3) is considered by the trier of fact to be a lesser  
1-38 included offense of the offense alleged under Subsection (a).

1-39 (d) A defendant may not be charged with more than one count  
1-40 under Subsection (a) if all of the specific conduct that is alleged  
1-41 to have been engaged in is alleged to have been committed against a  
1-42 single victim or members of the same household, as defined by  
1-43 Section 71.005, Family Code.

1-44 (e) An offense under this section is a felony of the third  
1-45 degree.

1-46 SECTION 2. Section 22.01(b), Penal Code, is amended to read  
1-47 as follows:

1-48 (b) An offense under Subsection (a)(1) is a Class A  
1-49 misdemeanor, except that the offense is a felony of the third degree  
1-50 if the offense is committed against:

1-51 (1) a person the actor knows is a public servant while  
1-52 the public servant is lawfully discharging an official duty, or in  
1-53 retaliation or on account of an exercise of official power or  
1-54 performance of an official duty as a public servant;

1-55 (2) a person whose relationship to or association with  
1-56 the defendant is described by Section 71.0021(b), 71.003, or  
1-57 71.005, Family Code, if it is shown on the trial of the offense that  
1-58 the defendant has been previously convicted of an offense under  
1-59 this chapter, Chapter 19, or Section 20.03, 20.04, ~~or~~ 21.11, or  
1-60 25.11 against a person whose relationship to or association with  
1-61 the defendant is described by Section 71.0021(b), 71.003, or  
1-62 71.005, Family Code;

1-63 (3) a person who contracts with government to perform  
1-64 a service in a facility as defined by Section 1.07(a)(14), Penal

2-1 Code, or Section 51.02(13) or (14), Family Code, or an employee of  
2-2 that person:

2-3 (A) while the person or employee is engaged in  
2-4 performing a service within the scope of the contract, if the actor  
2-5 knows the person or employee is authorized by government to provide  
2-6 the service; or

2-7 (B) in retaliation for or on account of the  
2-8 person's or employee's performance of a service within the scope of  
2-9 the contract;

2-10 (4) a person the actor knows is a security officer  
2-11 while the officer is performing a duty as a security officer; or

2-12 (5) a person the actor knows is emergency services  
2-13 personnel while the person is providing emergency services.

2-14 SECTION 3. The change in law made by this Act applies only  
2-15 to an offense committed on or after the effective date of this Act.  
2-16 An offense committed before the effective date of this Act is  
2-17 covered by the law in effect when the offense was committed, and the  
2-18 former law is continued in effect for that purpose. For purposes of  
2-19 this section, an offense was committed before the effective date of  
2-20 this Act if any element of the offense occurred before that date.

2-21 SECTION 4. This Act takes effect September 1, 2009.

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