

BILL ANALYSIS

Senate Research Center

H.B. 2624
By: Sheffield (Van de Putte)
Veteran Affairs & Military Installations
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

H.B. 2624 amends the Family Code to require the clerk of a court in a provision relating to the issuance of an original or modified protective order, if the respondent is a member of the state military forces or is serving in the armed forces of the United States on active-duty status, to provide a copy of the order and other required information to the staff judge advocate at Joint Force Headquarters or the provost marshal of the military installation to which the respondent is assigned, as applicable. The bill makes changes in provisions relating to an order that is vacated.

H.B. 2624 amends the Code of Criminal Procedure to require a peace officer who investigates a family violence incident or who responds to a disturbance call that may involve family violence to include in the officer's written report whether the suspect or complainant is a member of the state military forces or is serving in the armed forces of the United States on active-duty status. The bill requires, if the suspect or complainant is identified as being a member of the military, the peace officer to provide written notice of the incident or disturbance call to the staff judge advocate at Joint Force Headquarters or the provost marshal of the military installation to which the suspect or complainant is assigned, as applicable.

H.B. 2624, in provisions that apply only to conviction or deferred adjudication granted on the basis of an offense that constitutes family violence, or an offense that is included under provisions relating to offenses against the person, and if the defendant is a member of the state military forces or is serving in the armed forces of the United States in an active-duty status, requires the clerk of the court in which the conviction or deferred adjudication is entered, as soon as possible after the date on which the defendant is convicted or granted deferred adjudication on the basis of an offense, to provide written notice of the conviction or deferred adjudication to the staff judge advocate at Joint Force Headquarters or the provost marshal of the military installation to which the suspect or complainant is assigned, as applicable.

H.B. 2624 requires each presentence investigation conducted under provisions of law relating to community supervision to include information regarding whether the defendant is a current or former member of the state military forces or whether the defendant is currently serving or has previously served in the armed forces of the United States in an active-duty status, to additionally determine whether the defendant was deployed to a combat zone and whether the defendant may suffer from post-traumatic stress disorder or a traumatic brain injury. The bill requires a copy of the defendant's military discharge papers and military records, if available, to be included in the investigation report provided to the judge.

H.B. 2624 amends current law relating to procedures applicable in circumstances involving family violence or other criminal conduct and military personnel.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 85.042, Family Code, by adding Subsection (a-1) and amending Subsections (c) and (d), as follows:

(a-1) Provides that this subsection applies only if the respondent, at the time of issuance of an original or modified protective order under this subtitle, is a member of the state military forces or is serving in the armed forces of the United States in an active-duty status. Requires the clerk of the court, in addition to complying with Subsection (a) (relating to requiring the clerk of the court issuing an original or modified protective order to send a copy of the order to the chief of police of the municipality in which the person protected by the order resides), to also provide a copy of the protective order and the information described by that subsection to the staff judge advocate at Joint Force Headquarters or the provost marshal of the military installation to which the respondent is assigned with the intent that the commanding officer will be notified, as applicable.

(c) Requires the clerk of a court that vacates an original or modified protective order under this subtitle to notify each individual or entity, rather than notify the chief of police or constable and sheriff, who received a copy of the original or modified order from the clerk under this section that the order is vacated.

(d) Requires the applicant or the applicant's attorney to provide to the clerk of the court the name and address of each law enforcement agency, child-care facility, school, and other individual or entity to which the clerk is required to mail a copy of the order under this section, and any other information required under Section 411.042(b)(6) (relating to requiring the bureau of identification and records to collect information concerning the number and nature of protective orders and all other pertinent information about all persons on active protective orders), Government Code.

SECTION 2. Amends Article 5.05, Code of Criminal Procedure, by amending Subsection (a) and adding Subsection (a-2), as follows:

(a) Requires a peace officer who investigates a family violence incident or who responds to a disturbance call that may involve family violence to make a written report, including but not limited to certain information, including whether the suspect is a member of the state military forces or is serving in the armed forces of the United States in an active-duty status.

(a-2) Requires the peace officer, if a suspect is identified as being a member of the military, as described by Subsection (a)(5) (relating to requiring a peace officer to report whether the suspect is a member of the military), to provide written notice of the incident or disturbance call to the staff judge advocate at Joint Force Headquarters or the provost marshal of the military installation to which the suspect is assigned with the intent that the commanding officer will be notified, as applicable.

SECTION 3. Amends Chapter 42, Code of Criminal Procedure, by adding Article 42.0182, as follows:

Art. 42.0182. NOTICE OF FAMILY VIOLENCE OFFENSES PROVIDED BY CLERK OF COURT. (a) Provides that this article applies only:

(1) to conviction or deferred adjudication granted on the basis of an offense that constitutes family violence, as defined by Section 71.004 (Family Violence), Family Code; or an offense under Title 5 (Offenses Against the Person), Penal Code; and

(2) if the defendant is a member of the state military forces or is serving in the armed forces of the United States in an active-duty status.

(b) Requires the clerk of the court in which the conviction or deferred adjudication is entered, as soon as possible after the date on which the defendant is convicted or granted deferred adjudication on the basis of an offense, to provide written notice of the conviction or deferred adjudication to the staff judge advocate at Joint Force Headquarters or the provost marshal of the military

installation to which the defendant is assigned with the intent that the commanding officer will be notified, as applicable.

SECTION 4. Amends Section 9, Article 42.12, Code of Criminal Procedure, by adding Subsection (l), as follows:

(l) Requires that each presentence investigation include information regarding whether the defendant is a current or former member of the state military forces or whether the defendant is currently serving or has previously served in the armed forces of the United States in an active-duty status. Requires that the investigation, if the defendant has served in an active-duty status, additionally determine whether the defendant was deployed to a combat zone and whether the defendant may suffer from post-traumatic stress disorder or a traumatic brain injury. Requires that, in addition, if available, a copy of the defendant's military discharge papers and military records be included in the investigation report provided to the judge under Subsection (a) (relating to requiring the judge to direct a supervision officer to report to the judge in writing on the circumstances of the offense with which the defendant is charged) of this section.

SECTION 5. Effective date: September 1, 2011.