

BILL ANALYSIS

C.S.H.B. 2624
By: Sheffield
Defense & Veterans' Affairs
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties contend that the armed forces can impose additional consequences on a perpetrator of a violent crime who is also a member of the military but that there is no effective system in place for notifying the perpetrator's superiors that a crime may have been committed. C.S.H.B. 2624 seeks to ensure that military officials are informed about circumstances involving family violence and other criminal conduct by military personnel.

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

C.S.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 in an 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 conforming changes in provisions relating to an order that is vacated.

C.S.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 in an 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.

C.S.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 defendant is assigned, as applicable.

C.S.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. The bill requires the investigation, if the defendant has served 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.

EFFECTIVE DATE

September 1, 2011.

COMPARISON OF ORIGINAL AND SUBSTITUTE

C.S.H.B. 2624 differs from the original by requiring a peace officer who investigates a family violence incident or responds to a disturbance call that may involve family violence to provide written notice of the incident or call to the staff judge advocate or provost marshal if a suspect or complainant is identified as a member of the military, whereas the original requires a copy of the written report made by such a peace officer for the incident or call to be sent.