

By: Sheffield

H.B. No. 2624

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to procedures applicable in circumstances involving  
3 family violence or other criminal conduct and military personnel.

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

5 SECTION 1. Section 85.042, Family Code, is amended by  
6 adding Subsection (a-1) and amending Subsections (c) and (d) to  
7 read as follows:

8 (a-1) This subsection applies only if the respondent, at the  
9 time of issuance of an original or modified protective order under  
10 this subtitle, is a member of the state military forces or is  
11 serving in the armed forces of the United States in an active-duty  
12 status. In addition to complying with Subsection (a), the clerk of  
13 the court shall also provide a copy of the protective order and the  
14 information described by that subsection to the staff judge  
15 advocate at Joint Force Headquarters or the provost marshal of the  
16 military installation to which the respondent is assigned with the  
17 intent that the commanding officer will be notified, as applicable.

18 (c) The clerk of a court that vacates an original or  
19 modified protective order under this subtitle shall notify each  
20 individual or entity [~~the chief of police or constable and sheriff~~]  
21 who received a copy of the original or modified order from the clerk  
22 under this section that the order is vacated.

23 (d) The applicant or the applicant's attorney shall provide  
24 to the clerk of the court:

1           (1) the name and address of each law enforcement  
2 agency, child-care facility, ~~and~~ school, and other individual or  
3 entity to which the clerk is required to mail a copy of the order  
4 under this section; and

5           (2) any other information required under Section  
6 411.042(b)(6), Government Code.

7           SECTION 2. Article 5.05, Code of Criminal Procedure, is  
8 amended by amending Subsection (a) and adding Subsection (a-2) to  
9 read as follows:

10           (a) A peace officer who investigates a family violence  
11 incident or who responds to a disturbance call that may involve  
12 family violence shall make a written report, including but not  
13 limited to:

- 14           (1) the names of the suspect and complainant;  
15           (2) the date, time, and location of the incident;  
16           (3) any visible or reported injuries; ~~and~~  
17           (4) a description of the incident and a statement of  
18 its disposition; and

19           (5) whether the suspect is a member of the state  
20 military forces or is serving in the armed forces of the United  
21 States in an active-duty status.

22           (a-2) If a suspect is identified as being a member of the  
23 military, as described by Subsection (a)(5), the peace officer  
24 shall provide written notice of the incident or disturbance call to  
25 the staff judge advocate at Joint Force Headquarters or the provost  
26 marshal of the military installation to which the suspect is  
27 assigned with the intent that the commanding officer will be

1 notified, as applicable.

2 SECTION 3. Chapter 42, Code of Criminal Procedure, is  
3 amended by adding Article 42.0182 to read as follows:

4 Art. 42.0182. NOTICE OF FAMILY VIOLENCE OFFENSES PROVIDED  
5 BY CLERK OF COURT. (a) This article applies only:

6 (1) to conviction or deferred adjudication granted on  
7 the basis of:

8 (A) an offense that constitutes family violence,  
9 as defined by Section 71.004, Family Code; or

10 (B) an offense under Title 5, Penal Code; and

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

14 (b) As soon as possible after the date on which the  
15 defendant is convicted or granted deferred adjudication on the  
16 basis of an offense, the clerk of the court in which the conviction  
17 or deferred adjudication is entered shall provide written notice of  
18 the conviction or deferred adjudication to the staff judge advocate  
19 at Joint Force Headquarters or the provost marshal of the military  
20 installation to which the defendant is assigned with the intent  
21 that the commanding officer will be notified, as applicable.

22 SECTION 4. Section 9, Article 42.12, Code of Criminal  
23 Procedure, is amended by adding Subsection (1) to read as follows:

24 (1) Each presentence investigation shall include  
25 information regarding whether the defendant is a current or former  
26 member of the state military forces or whether the defendant is  
27 currently serving or has previously served in the armed forces of

1 the United States in an active-duty status. If the defendant has  
2 served in an active-duty status, the investigation shall  
3 additionally determine whether the defendant was deployed to a  
4 combat zone and whether the defendant may suffer from  
5 post-traumatic stress disorder or a traumatic brain injury. In  
6 addition, if available, a copy of the defendant's military  
7 discharge papers and military records must be included in the  
8 investigation report provided to the judge under Subsection (a) of  
9 this section.

10 SECTION 5. This Act takes effect September 1, 2011.