

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, as
17 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 or complainant is a member of
20 the state military forces or is serving in the armed forces of the
21 United States in an active-duty status.

22 (a-2) If a suspect or complainant is identified as being a
23 member of the military, as described by Subsection (a)(5), a copy of
24 the written report prepared under Subsection (a) must be sent to the
25 staff judge advocate at Joint Force Headquarters or the provost
26 marshal of the military installation to which the suspect or
27 complainant is assigned, as applicable.

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

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

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

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

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

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

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

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

22 (1) Each presentence investigation shall include
23 information regarding whether the defendant is a current or former
24 member of the state military forces or whether the defendant is
25 currently serving or has previously served in the armed forces of
26 the United States in an active-duty status. If the defendant has
27 served in an active-duty status, the investigation shall

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

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