

1-1 By: Sheffield (Senate Sponsor - Van de Putte) H.B. No. 2624
1-2 (In the Senate - Received from the House April 28, 2011;
1-3 May 3, 2011, read first time and referred to Committee on Veteran
1-4 Affairs and Military Installations; May 12, 2011, reported
1-5 favorably by the following vote: Yeas 4, Nays 0; May 12, 2011, sent
1-6 to printer.)

1-7 A BILL TO BE ENTITLED
1-8 AN ACT

1-9 relating to procedures applicable in circumstances involving
1-10 family violence or other criminal conduct and military personnel.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. Section 85.042, Family Code, is amended by
1-13 adding Subsection (a-1) and amending Subsections (c) and (d) to
1-14 read as follows:

1-15 (a-1) This subsection applies only if the respondent, at the
1-16 time of issuance of an original or modified protective order under
1-17 this subtitle, is a member of the state military forces or is
1-18 serving in the armed forces of the United States in an active-duty
1-19 status. In addition to complying with Subsection (a), the clerk of
1-20 the court shall also provide a copy of the protective order and the
1-21 information described by that subsection to the staff judge
1-22 advocate at Joint Force Headquarters or the provost marshal of the
1-23 military installation to which the respondent is assigned with the
1-24 intent that the commanding officer will be notified, as applicable.

1-25 (c) The clerk of a court that vacates an original or
1-26 modified protective order under this subtitle shall notify each
1-27 individual or entity ~~[the chief of police or constable and sheriff]~~
1-28 who received a copy of the original or modified order from the clerk
1-29 under this section that the order is vacated.

1-30 (d) The applicant or the applicant's attorney shall provide
1-31 to the clerk of the court:

1-32 (1) the name and address of each law enforcement
1-33 agency, child-care facility, ~~[and]~~ school, and other individual or
1-34 entity to which the clerk is required to mail a copy of the order
1-35 under this section; and

1-36 (2) any other information required under Section
1-37 411.042(b)(6), Government Code.

1-38 SECTION 2. Article 5.05, Code of Criminal Procedure, is
1-39 amended by amending Subsection (a) and adding Subsection (a-2) to
1-40 read as follows:

1-41 (a) A peace officer who investigates a family violence
1-42 incident or who responds to a disturbance call that may involve
1-43 family violence shall make a written report, including but not
1-44 limited to:

1-45 (1) the names of the suspect and complainant;
1-46 (2) the date, time, and location of the incident;
1-47 (3) any visible or reported injuries; ~~[and]~~
1-48 (4) a description of the incident and a statement of
1-49 its disposition; and

1-50 (5) whether the suspect is a member of the state
1-51 military forces or is serving in the armed forces of the United
1-52 States in an active-duty status.

1-53 (a-2) If a suspect is identified as being a member of the
1-54 military, as described by Subsection (a)(5), the peace officer
1-55 shall provide written notice of the incident or disturbance call to
1-56 the staff judge advocate at Joint Force Headquarters or the provost
1-57 marshal of the military installation to which the suspect is
1-58 assigned with the intent that the commanding officer will be
1-59 notified, as applicable.

1-60 SECTION 3. Chapter 42, Code of Criminal Procedure, is
1-61 amended by adding Article 42.0182 to read as follows:

1-62 Art. 42.0182. NOTICE OF FAMILY VIOLENCE OFFENSES PROVIDED
1-63 BY CLERK OF COURT. (a) This article applies only:

1-64 (1) to conviction or deferred adjudication granted on

2-1 the basis of:

2-2 (A) an offense that constitutes family violence,
2-3 as defined by Section 71.004, Family Code; or

2-4 (B) an offense under Title 5, Penal Code; and
2-5 (2) if the defendant is a member of the state military
2-6 forces or is serving in the armed forces of the United States in an
2-7 active-duty status.

2-8 (b) As soon as possible after the date on which the
2-9 defendant is convicted or granted deferred adjudication on the
2-10 basis of an offense, the clerk of the court in which the conviction
2-11 or deferred adjudication is entered shall provide written notice of
2-12 the conviction or deferred adjudication to the staff judge advocate
2-13 at Joint Force Headquarters or the provost marshal of the military
2-14 installation to which the defendant is assigned with the intent
2-15 that the commanding officer will be notified, as applicable.

2-16 SECTION 4. Section 9, Article 42.12, Code of Criminal
2-17 Procedure, is amended by adding Subsection (1) to read as follows:

2-18 (1) Each presentence investigation shall include
2-19 information regarding whether the defendant is a current or former
2-20 member of the state military forces or whether the defendant is
2-21 currently serving or has previously served in the armed forces of
2-22 the United States in an active-duty status. If the defendant has
2-23 served in an active-duty status, the investigation shall
2-24 additionally determine whether the defendant was deployed to a
2-25 combat zone and whether the defendant may suffer from
2-26 post-traumatic stress disorder or a traumatic brain injury. In
2-27 addition, if available, a copy of the defendant's military
2-28 discharge papers and military records must be included in the
2-29 investigation report provided to the judge under Subsection (a) of
2-30 this section.

2-31 SECTION 5. This Act takes effect September 1, 2011.

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