

BILL ANALYSIS

H.B. 1436
By: Lucio III
Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Interested parties assert that when an individual physically assaults another individual or emotionally abuses the individual through illegal acts such as stalking, the lasting damage resulting from the abuse is typically worse if the perpetrator is related to the victim. Therefore, the parties contend, family violence is more severe than random acts of violence and should be punished in a more severe manner. The parties note that under current law, an individual who commits family violence, such as a misdemeanor assault, may often face only a fine or probation instead of facing any amount of jail time. H.B. 1436 seeks to address this issue by establishing minimum terms of county jail confinement for a person granted community supervision in a family violence case, depending on the circumstances involved in the commission of the offense and whether the defendant has certain previous convictions.

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

H.B. 1436 reenacts and amends Section 14, Article 42.12, Code of Criminal Procedure, as amended by Chapter 165 (H.B. 119), Acts of the 73rd Legislature, Regular Session, 1993, Chapter 910 (H.B. 2187), Acts of the 76th Legislature, Regular Session, 1999, Chapter 353 (S.B. 1054), Acts of the 78th Legislature, Regular Session, 2003, and Chapter 113 (S.B. 44), Acts of the 80th Legislature, Regular Session, 2007, to require a court granting community supervision to a person convicted of an offense involving family violence committed against an individual with whom the person has had a dating relationship or a member of the person's family or household to require as a condition of community supervision that the defendant submit to the following:

- not less than 72 hours of confinement in county jail if the defendant is convicted of assault causing bodily injury to another or a violation of a certain court order or bond condition in a family violence case;
- not less than five days of confinement in county jail if the defendant is convicted of certain assaultive conduct causing bodily injury to another and punishable as a third degree felony; a violation of a certain court order or bond condition in a family violence case if it is shown at trial that the defendant has previously been convicted of such a violation two or more times; or continuous violence against the family;
- not less than 10 days of confinement in county jail if the defendant is convicted of assault causing bodily injury and punishable as a second degree felony; aggravated assault; a violation of a certain court order or bond condition in a family violence case if it is shown at trial that the defendant has violated such order or condition by committing assault or stalking; or continuous violence against the family if it is shown at trial that the defendant has been previously convicted of criminal homicide, an assaultive offense, kidnapping or aggravated kidnapping, indecency with a child, or continuous violence

against the family, committed against a person whose relationship to or association with the defendant is a dating, family, or household relationship; or

- not less than 30 days of confinement in county jail if the defendant is convicted of aggravated assault involving the use of a deadly weapon and punishable as a first degree felony.

H.B. 1436 amends the Penal Code to make conforming changes.

EFFECTIVE DATE

September 1, 2013.