

By: Lucio III, Villalba

H.B. No. 1436

A BILL TO BE ENTITLED

AN ACT

relating to a mandatory term of confinement for certain offenses involving family violence.

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

SECTION 1. 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, is amended by adding Subsection (d) to read as follows:

(d) If the court grants community supervision to a person convicted of an offense involving family violence, as defined by Section 71.004, Family Code, committed against a person whose relationship to or association with the defendant is described by Section 71.0021(b), 71.003, or 71.005, Family Code, the court shall require as a condition of community supervision that the defendant submit to:

(1) not less than 72 hours of confinement in county jail if the defendant is convicted of an offense under Section 22.01(a)(1) or 25.07, Penal Code;

(2) not less than five days of confinement in county jail if the defendant is convicted of an offense under:

1 (A) Section 22.01(a)(1), Penal Code, if the
2 offense is punishable under Subsection (b)(2)(B) of that section;

3 (B) Section 25.07, Penal Code, if it is shown on
4 the trial of the offense that the defendant has previously been
5 convicted under that section two or more times; or

6 (C) Section 25.11, Penal Code;

7 (3) not less than 10 days of confinement in county jail
8 if the defendant is convicted of an offense under:

9 (A) Section 22.01(a)(1), Penal Code, if the
10 offense is punishable under Subsection (b-1) of that section;

11 (B) Section 22.02, Penal Code;

12 (C) Section 25.07, Penal Code, if it is shown on
13 the trial of the offense that the defendant has violated the order
14 or condition of bond by committing an assault or the offense of
15 stalking; or

16 (D) Section 25.11, Penal Code, if it is shown on
17 the trial of the offense that the defendant has been previously
18 convicted of an offense under Chapter 19, Chapter 22, or Section
19 20.03, 20.04, 21.11, or 25.11, Penal Code, against a person whose
20 relationship to or association with the defendant is described by
21 Section 71.0021(b), 71.003, or 71.005, Family Code; or

22 (4) not less than 30 days of confinement in county jail
23 if the defendant is convicted of an offense under Section 22.02,
24 Penal Code, punishable under Subsection (b)(1) of that section.

25 SECTION 2. Section 22.01, Penal Code, is amended by adding
26 Subsection (b-2) to read as follows:

27 (b-2) The minimum term of confinement for an offense under

1 Subsection (a)(1) punished as a Class A misdemeanor is 72 hours if
2 the offense is committed against a person whose relationship to or
3 association with the defendant is described by Section 71.0021(b),
4 71.003, or 71.005, Family Code.

5 SECTION 3. Section 25.07(g), Penal Code, is amended to read
6 as follows:

7 (g) An offense under this section is a Class A misdemeanor
8 with a minimum term of confinement of 72 hours unless it is shown on
9 the trial of the offense that the defendant has previously been
10 convicted under this section two or more times or has violated the
11 order or condition of bond by committing an assault or the offense
12 of stalking, in which event the offense is a third degree felony.

13 SECTION 4. The change in law made by this Act applies only
14 to an offense committed on or after the effective date of this Act.
15 An offense committed before the effective date of this Act is
16 governed by the law in effect on the date the offense was committed,
17 and the former law is continued in effect for that purpose. For
18 purposes of this section, an offense was committed before the
19 effective date of this Act if any element of the offense occurred
20 before that date.

21 SECTION 5. This Act takes effect September 1, 2013.