

By: Bonnen of Galveston, Moody, et al.

H.B. No. 2396

A BILL TO BE ENTITLED

AN ACT

relating to the penalty for certain family violence committed in the presence of or in proximity to a child.

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

SECTION 1. Section 22.01, Penal Code, is amended by adding Subsection (b-2) to read as follows:

(b-2) Notwithstanding Subsection (b), unless an exception is otherwise provided by that subsection, an offense under Subsection (a)(1) is a Class A misdemeanor with a minimum term of confinement of 30 days if the offense is 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, and:

(1) the offense is committed in the physical presence of, or in the same habitation or vehicle occupied by, a person who is younger than 15 years of age; and

(2) at the time of the offense, the person has knowledge or reason to know that the person who is younger than 15 years of age is physically present or occupies the same habitation or vehicle.

SECTION 2. 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.

1 1054), Acts of the 78th Legislature, Regular Session, 2003, and
2 Chapter 113 (S.B. 44), Acts of the 80th Legislature, Regular
3 Session, 2007, is amended by adding Subsection (b) to read as
4 follows:

5 (b) A judge granting community supervision to a defendant
6 convicted of an offense under Section 22.01, Penal Code, and
7 punished under Subsection (b-2) of that section shall require as a
8 condition of community supervision that the defendant submit to not
9 less than five days of continuous confinement in county jail.

10 SECTION 3. The changes in law made by this Act apply only to
11 an offense committed on or after the effective date of this Act. An
12 offense committed before the effective date of this Act is governed
13 by the law in effect on the date the offense was committed, and the
14 former law is continued in effect for that purpose. For purposes of
15 this section, an offense was committed before the effective date of
16 this Act if any element of the offense occurred before that date.

17 SECTION 4. This Act takes effect September 1, 2013.