

By: Bonnen of Galveston, Moody

H.B. No. 2396

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the penalty for certain family violence committed in
3 the presence of a child.

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

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

7 (b-2) Notwithstanding Subsection (b), unless an exception
8 is otherwise provided by that subsection, an offense under
9 Subsection (a)(1) is a Class A misdemeanor with a minimum term of
10 confinement of 30 days if the offense is committed against a person
11 whose relationship to or association with the defendant is
12 described by Section 71.0021(b), 71.003, or 71.005, Family Code,
13 and:

14 (1) the offense was committed in the physical presence
15 or within the hearing of a person who is younger than 15 years of
16 age; and

17 (2) at the time of the offense, the person has
18 knowledge or reason to know that the person who is younger than 15
19 years of age is present and may see or hear the offense.

20 SECTION 2. Section 14, Article 42.12, Code of Criminal
21 Procedure, as amended by Chapter 165 (H.B. 119), Acts of the 73rd
22 Legislature, Regular Session, 1993, Chapter 910 (H.B. 2187), Acts
23 of the 76th Legislature, Regular Session, 1999, Chapter 353 (S.B.
24 1054), Acts of the 78th Legislature, Regular Session, 2003, and

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

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

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

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