

By: Villalba

H.B. No. 2541

A BILL TO BE ENTITLED

AN ACT

relating to the penalty for certain family violence offenses and to the eligibility of inmates convicted of certain family violence offenses for release on parole or mandatory supervision.

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

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

(b-2) Notwithstanding Subsections (b) (2) and (b-1) of this Section, an offense under Subsection (a)(1) is a felony of the second degree if:

(1) 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

(2) it is shown on the trial of the offense that the defendant:

(A) has been previously convicted of an offense under Subsection (b)(2)(A); or

(B) has been previously convicted two or more times of an offense under this chapter, Chapter 19, or Section 20.03, 20.04, or 21.11 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.

SECTION 2. Article 42.013, Code of Criminal Procedure, is amended to read as follows:

Article 42.013. FINDING OF FAMILY VIOLENCE (a) In the trial of an offense under Title 5, Penal Code, if the court determines that the offense involved family violence, as defined by Section 71.004, Family Code, the court shall make an affirmative finding of that fact and enter the affirmative finding in the judgment of the case.

(b) If there is an affirmative finding under Subsection (a) in the trial of an offense under Section 22.01(b-2), Penal Code, and the defendant is granted community supervision, the court shall order the defendant confined in the Texas Department of Criminal Justice for not less than 2 years and not more than 20 years. At any time after the defendant has served 2 years in the custody of the department, the sentencing judge, on his own motion or on motion of the defendant, may order the defendant released to community supervision. The department shall release the defendant to community supervision after he has served 20 years.

SECTION 3. Section 508.145, Government Code, is amended to by amending Subsection (d)(1) to read as follows:

(d)(1) An inmate serving a sentence for an offense described by Section 3g(a)(1)(A), (C), (D), (E), (F), (G), (H), (I), (J), or (K), Article 42.12, Code of Criminal Procedure, or for an offense for which the judgment contains an affirmative finding under Section 3g(a) (2) of that article, or for an offense under Section 20A.03, Penal Code, or for an offense under Section 22.01(b-2), Penal Code, is not eligible for release on parole until the inmate's actual calendar time served, without consideration of good conduct time, equals one-half of the sentence or 30 calendar years,

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1   whichever is less, but in no event is the inmate eligible for  
2   release on parole in less than two calendar years.

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