

BILL ANALYSIS

C.S.H.B. 1897
By: Villalba
Corrections
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties assert that legislative action is necessary to combat the recent increase in family violence cases in Texas by sending a message to those who commit family violence that such criminal behavior will not be tolerated and that repeat offenders will be subjected to even harsher penalties. C.S.H.B. 1897 seeks to prevent repeat occasions of family violence by providing for enhanced penalties for certain offenses.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill expressly does one or more of the following: creates a criminal offense, increases the punishment for an existing criminal offense or category of offenses, or changes the eligibility of a person for community supervision, parole, or mandatory supervision.

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

C.S.H.B. 1897 amends the Penal Code to enhance to a second degree felony the penalty for an assault offense involving intentionally, knowingly, or recklessly causing bodily injury to a person who is in or has been in a dating relationship with the defendant or is a member of the defendant's family or household if it is shown on the trial of the offense that the defendant has been previously convicted two or more times of criminal homicide, kidnapping, aggravated kidnapping, indecency with a child, or an assaultive offense against a person who is in or has been in a dating relationship with the defendant or is a member of the defendant's family or household.

C.S.H.B. 1897 amends the Code of Criminal Procedure to require a court, if the court places a defendant on deferred adjudication community supervision for, or grants community supervision to a defendant convicted of, assault that is punishable by the enhanced penalty established by the bill, to require as a condition of community supervision that the defendant submit to a period of confinement equal to two years.

C.S.H.B. 1897 requires a court that sentences such a defendant to a term of confinement and that orders the execution of the entire sentence to require the defendant, in addition to any fine, cost, or fee authorized by law, to reimburse the Texas Department of Criminal Justice for the cost of the defendant's confinement for the period specified by the bill. The bill requires a court that places such a defendant on community supervision, including deferred adjudication community supervision, to require as a condition of community supervision that the defendant reimburse the county, if the defendant is confined in a county jail, or the community supervision and corrections department that is served by a community corrections facility, if the defendant is

confined in the facility, for the cost of the defendant's confinement for the period specified by the bill.

C.S.H.B. 1897 requires the amount of reimbursement to be the actual cost of the defendant's first two years of confinement, deducting for a defendant on community supervision any projected costs that would have been expended for the supervision of the defendant if the defendant had been on community supervision but not confined during that two-year period. The bill requires the court to waive the reimbursement requirement if the court determines that the defendant is indigent based on the defendant's sworn statement or affidavit filed with the court. The bill authorizes the court to reduce, based on the defendant's ability to pay, the amount of reimbursement by considering specified factors. The bill entitles a defendant to begin paying the reimbursement following the last day of the term of confinement, authorizes a defendant to pay the reimbursement amount in installments, and sets the deadline for the last installment as the 10th anniversary of that date.

C.S.H.B. 1897 amends the Government Code to make an inmate serving a sentence for assault punishable by the enhanced penalty established by the bill ineligible 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, whichever is less, but in no event less than two calendar years. The bill prohibits the release to mandatory supervision of an inmate who is serving a sentence for or has been previously convicted of such an offense.

EFFECTIVE DATE

September 1, 2015.

COMPARISON OF ORIGINAL AND SUBSTITUTE

C.S.H.B. 1897 differs from the original only by amending the caption.