

By: Moody

H.B. No. 2159

A BILL TO BE ENTITLED

AN ACT

relating to requiring the payment of restitution as a condition of community supervision for offenses involving family violence committed in the presence of certain children.

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

SECTION 1. Chapter 42, Code of Criminal Procedure, is amended by adding Article 42.0373 to read as follows:

Art. 42.0373. MANDATORY RESTITUTION FOR CHILD WITNESS OF FAMILY VIOLENCE. (a) If after a conviction or a grant of deferred adjudication a court places a defendant on community supervision for an offense involving family violence, as defined by Section 71.004, Family Code, the court shall make a finding as to whether:

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

(2) at the time of the offense, the defendant had knowledge or reason to know that the person younger than 15 years of age was physically present or occupied the same habitation or vehicle.

(b) If the court finds both issues described by Subsection (a) in the affirmative, the court shall order the defendant to pay restitution in an amount equal to the cost of necessary rehabilitation, including medical, psychiatric, and psychological care and treatment, for a person described by Subsection (a)(1).

1       (c) The court shall, after considering the financial  
2 circumstances of the defendant, specify in a restitution order  
3 issued under Subsection (b) the manner in which the defendant must  
4 pay the restitution.

5       (d) A restitution order issued under Subsection (b) may be  
6 enforced by the state, or by a person or a parent or guardian of the  
7 person named in the order to receive the restitution, in the same  
8 manner as a judgment in a civil action.

9       (e) The court may hold a hearing, make findings of fact, and  
10 amend a restitution order issued under Subsection (b) if the  
11 defendant fails to pay the person named in the order in the manner  
12 specified by the court.

13       SECTION 2. The changes in law made by this Act apply only to  
14 an offense committed on or after the effective date of this Act. An  
15 offense committed before the effective date of this Act is governed  
16 by the law in effect on the date the offense was committed, and the  
17 former law is continued in effect for that purpose. For purposes of  
18 this section, an offense was committed before the effective date of  
19 this Act if any element of the offense occurred before that date.

20       SECTION 3. This Act takes effect September 1, 2015.