

BILL ANALYSIS

Senate Research Center
85R56 JSC-F

S.B. 900
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Interested parties assert that legislative action is necessary to combat the recent increase in family violence cases in Texas. In an effort to prevent repeat occasions of family violence, S.B. 900 seeks to enhance the penalty for assault causing bodily injury to a person with whom the offender is in a dating, family, or household relationship if the offender has been previously convicted on more than two occasions of certain offenses against such a person.

As proposed, S.B. 900 amends current law relating to the punishment for certain offenses involving family violence, and changes the eligibility for parole and mandatory supervision for those offenses.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 42, Code of Criminal Procedure, by adding Article 42.039, as follows:

Art. 42.039. REIMBURSEMENT FOR CONFINEMENT EXPENSES BY CERTAIN FAMILY VIOLENCE OFFENDERS. (a) Requires a court, in addition to any fine, cost, or fee authorized by law, that sentences to a term of confinement a defendant convicted of an offense under Section 22.01 (Assault), Penal Code, and punished under Subsection (b-1)(2) (relating to the provision that an offense is a second degree felony if the defendant has been previously convicted of an offense meeting certain criteria) of that section and that orders the execution of the entire sentence, to require the defendant to reimburse the Texas Department of Criminal Justice (TDCJ) for the cost of the defendant's confinement for the specified period.

(b) Requires a court that places a defendant on community supervision, including deferred adjudication community supervision, for an offense under Section 22.01, Penal Code, punishable under Subsection (b-1)(2) of that section, to require as a condition of community supervision that the defendant reimburse certain entities for the cost of the defendant's confinement for the specified period.

(c) Requires that the amount of reimbursement 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.

(d) Requires the court, notwithstanding Subsection (a) or (b), to waive the amount of required reimbursement if the court determines that the defendant is indigent based on the defendant's sworn statement or affidavit filed with the court.

(e) Authorizes the court, notwithstanding Subsection (a) or (b), based on the defendant's ability to pay, to reduce the amount of required reimbursement by considering certain circumstances of the defendant.

(f) Provides that a defendant is entitled to begin paying the reimbursement following the last day of the term of confinement and authorizes the defendant to pay the reimbursement in installments. Prohibits the last installment from being later than the 10th anniversary of that date.

SECTION 2. Amends Article 42A.504, Code of Criminal Procedure, as effective January 1, 2017, by adding Subsection (e), to require the court, if the court places a defendant on deferred adjudication community supervision for, or grants community supervision to a defendant convicted of, an offense under Section 22.01, Penal Code, that is punishable under Subsection (b-1)(2) of that section, to require as a condition of community supervision that the defendant submit to a period of confinement equal to two years.

SECTION 3. Amends Section 508.145(d)(1), Government Code, as effective January 1, 2017, as follows:

(1) Provides that this subsection applies only to an inmate who is serving a sentence for:

(A) through (C) makes no changes to these paragraphs;

(D) an offense under Section 22.01, Penal Code, punished under Subsection (b-1)(2) of that section; or

(E) creates this paragraph from existing text and makes no further changes to this paragraph.

SECTION 4. Amends Section 508.149(a), Government Code, as effective January 1, 2017, as follows:

(a) Prohibits an inmate from being released to mandatory supervision if the inmate is serving a sentence for or has been previously convicted of:

(1) through (21) makes no changes to these subdivisions; or

(22) an offense under Section 22.01, Penal Code, punished under Subsection (b-1)(2) of that section.

SECTION 5. Amends Sections 22.01(b-1) and (f), Penal Code, as follows:

(b-1) Provides that, notwithstanding Subsection (b)(2), an offense under Subsection (a)(1) is a felony of the second degree if the offense is committed against a person whose relationship to or association with the defendant is described by Section 71.0021(b) (relating to the definition of "dating relationship"), 71.003 (Family), or 71.005 (Household), Family Code, and:

(1) redesignates existing Subdivision (2) as Subdivision (1) and includes existing text previously designated as Subdivision (3). Makes no further changes to this subdivision; or

(2) it is shown on the trial of the offense that the defendant has been previously convicted two or more times of an offense under this chapter (Assaultive Offenses), Chapter 19 (Criminal Homicide), or Section 20.03 (Kidnapping), 20.04 (Aggravated Kidnapping), or 21.11 (Indecency with A Child) 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.

(f) Changes a reference to Subsection (b-1)(2) to Subsection (b-1).

SECTION 6. Makes application of this Act prospective.

SECTION 7. Effective date: September 1, 2017.