

By: Miller

H.B. No. 2609

A BILL TO BE ENTITLED

AN ACT

relating to the penalty for certain family violence committed in the presence of a child.

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

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

(b-2) Notwithstanding Subsection (b), unless an exception is otherwise provided by that subsection, an offense under Subsection (a)(1) is a Class A misdemeanor with a minimum term of confinement of 30 days 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;

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

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

SECTION 2. Article 42A.504, Code of Criminal Procedure, is amended by adding Subsection (e) to read as follows:

(e) A judge granting community supervision to a defendant convicted of an offense under Section 22.01, Penal Code, and punished under Subsection (b-2) of that section shall require as a

1 condition of community supervision that the defendant submit to not
2 less than five days of continuous confinement in county jail.

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

10 SECTION 4. This Act takes effect September 1, 2017.