

1-1 By: Huffman S.B. No. 900
 1-2 (In the Senate - Filed February 15, 2017; February 28, 2017,
 1-3 read first time and referred to Committee on State Affairs;
 1-4 April 27, 2017, reported adversely, with favorable Committee
 1-5 Substitute by the following vote: Yeas 9, Nays 0; April 27, 2017,
 1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			
1-17	X			

1-18 COMMITTEE SUBSTITUTE FOR S.B. No. 900 By: Huffman

1-19 A BILL TO BE ENTITLED
 1-20 AN ACT

1-21 relating to enhanced penalties for certain family violence
 1-22 offenses; imposing court costs.

1-23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-24 SECTION 1. Subchapter D, Chapter 12, Penal Code, is amended
 1-25 by adding Section 12.475 to read as follows:

1-26 Sec. 12.475. PENALTY FOR REPEAT FAMILY VIOLENCE OFFENDERS.

1-27 (a) This section applies only to an offense that is:

1-28 (1) a Class A misdemeanor or any higher category of
 1-29 offense; and

1-30 (2) committed under:

1-31 (A) Title 5, if an affirmative finding under
 1-32 Article 42.013, Code of Criminal Procedure, is made in the trial of
 1-33 the offense; or

1-34 (B) Section 25.11.

1-35 (b) An offense described by Subsection (a) is a felony of
 1-36 the second degree if it is shown on the trial of the offense that the
 1-37 actor has been previously convicted two or more times of any offense
 1-38 described by that subsection. This subsection does not apply to an
 1-39 offense that is a felony of the first degree or a capital felony.

1-40 (c) For the purposes of this section, a defendant has been
 1-41 previously convicted of an offense described by Subsection (a) if
 1-42 the defendant was adjudged guilty of the offense or entered a plea
 1-43 of guilty or nolo contendere in return for a grant of deferred
 1-44 adjudication community supervision, regardless of whether the
 1-45 sentence for the offense was ever imposed or whether the sentence
 1-46 was probated and the defendant was subsequently discharged from
 1-47 community supervision.

1-48 (d) A previous conviction for an offense described by
 1-49 Subsection (a) may be used for purposes of enhancement under this
 1-50 section or enhancement under another provision of this subchapter,
 1-51 but not under both this section and the other provision of this
 1-52 subchapter.

1-53 (e) If the punishment scheme for an offense described by
 1-54 Subsection (a) contains a specific enhancement provision
 1-55 increasing punishment to a felony of the first degree for a
 1-56 defendant who has previously been convicted of the offense, the
 1-57 specific enhancement provision controls over this section.

1-58 SECTION 2. Section 22.01, Penal Code, is amended by adding
 1-59 Subsection (b-2) to read as follows:

1-60 (b-2) Notwithstanding Subsection (b), unless an exception

2-1 is otherwise provided by that subsection, an offense under
2-2 Subsection (a)(1) is a Class A misdemeanor with a minimum term of
2-3 confinement of 30 days if:

2-4 (1) the offense is committed against a person whose
2-5 relationship to or association with the defendant is described by
2-6 Section 71.0021(b), 71.003, or 71.005, Family Code;

2-7 (2) the offense is committed in the physical presence
2-8 or within the hearing of a person who is younger than 15 years of
2-9 age; and

2-10 (3) at the time of the offense, the person has
2-11 knowledge or reason to know that the person who is younger than 15
2-12 years of age is present and may see or hear the offense.

2-13 SECTION 3. Article 42A.504, Code of Criminal Procedure, is
2-14 amended by adding Subsections (e) and (f) to read as follows:

2-15 (e) If a defendant is convicted of and placed on community
2-16 supervision for, or placed on deferred adjudication community
2-17 supervision for, an offense punished under Section 12.475, Penal
2-18 Code, the judge shall require as a condition of community
2-19 supervision that the defendant submit to a term of confinement of
2-20 not less than 90 days.

2-21 (f) If a defendant is convicted of and placed on community
2-22 supervision for, or placed on deferred adjudication community
2-23 supervision for, an offense under Section 22.01, Penal Code, and
2-24 punished under Subsection (b-2) of that section, the judge shall
2-25 require as a condition of community supervision that the defendant
2-26 submit to not less than five days of continuous confinement in
2-27 county jail.

2-28 SECTION 4. Subchapter A, Chapter 102, Code of Criminal
2-29 Procedure, is amended by adding Article 102.0188 to read as
2-30 follows:

2-31 Art. 102.0188. ADDITIONAL COSTS ATTENDANT TO CERTAIN FAMILY
2-32 VIOLENCE CONVICTIONS. (a) A defendant shall pay \$500 on
2-33 conviction of an offense punished under Section 12.475, Penal Code.

2-34 (b) Costs imposed under this article are imposed without
2-35 regard to whether the defendant is placed on community supervision
2-36 after being convicted of the offense or is placed on deferred
2-37 adjudication community supervision for the offense.

2-38 (c) The clerks of the respective courts shall collect the
2-39 costs and pay them to the county treasurer, or to any other official
2-40 who discharges the duties commonly delegated to the county
2-41 treasurer, for deposit in a fund to be known as the family violence
2-42 prevention fund. A fund designated by this subsection may be used
2-43 only to fund family violence prevention programs, battering
2-44 intervention and prevention programs, family violence centers, and
2-45 other resources for victims of family violence in the county where
2-46 the court is located.

2-47 (d) The county family violence prevention fund shall be
2-48 administered by or under the direction of the commissioners court.

2-49 SECTION 5. Subchapter B, Chapter 102, Government Code, is
2-50 amended by adding Section 102.0216 to read as follows:

2-51 Sec. 102.0216. ADDITIONAL COURT COSTS: CODE OF CRIMINAL
2-52 PROCEDURE. A defendant convicted of an offense punished under
2-53 Section 12.475, Penal Code, shall pay a cost on conviction, in
2-54 addition to all other costs, to fund resources for victims of family
2-55 violence (Art. 102.0188, Code of Criminal Procedure) . . . \$500.

2-56 SECTION 6. The changes in law made by this Act apply only to
2-57 an offense committed on or after the effective date of this Act. An
2-58 offense committed before the effective date of this Act is governed
2-59 by the law in effect on the date the offense was committed, and the
2-60 former law is continued in effect for that purpose. For purposes of
2-61 this section, an offense was committed before the effective date of
2-62 this Act if any element of the offense occurred before that date.

2-63 SECTION 7. This Act takes effect only if a specific
2-64 appropriation for the implementation of the Act is provided in a
2-65 general appropriations act of the 85th Legislature.

2-66 SECTION 8. This Act takes effect September 1, 2017.

2-67 * * * * *