|  |
| --- |
| BILL ANALYSIS |

|  |
| --- |
| H.B. 3824 |
| By: Sherman, Sr. |
| Criminal Jurisprudence |
| Committee Report (Unamended) |

|  |
| --- |
| **BACKGROUND AND PURPOSE** Reports indicate that family violence is often predictable and preventable, as most cases involve a cycle of power and control that is not broken without intervening circumstances. Concerns have been raised regarding the exclusion of certain offenses involving family violence from the offenses for which a judge may make an affirmative finding of family violence in the trial of the applicable offense. H.B. 3824 seeks to address this issue by requiring a court to make an affirmative finding of family violence in the trial of certain offenses if the court determines the offense involves family violence. |
| **CRIMINAL JUSTICE IMPACT**It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change 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** H.B. 3824 amends the Code of Criminal Procedure to include the following offenses among the offenses for which a court is required to make an affirmative finding regarding the involvement of family violence in the offense on such a determination by the court:* violation of certain court orders or conditions of bond in a family violence, child abuse or neglect, sexual assault or abuse, stalking, or trafficking case;
* violation of a protective order preventing an offense caused by bias or prejudice;
* repeated violation of certain court orders or conditions of bond in family violence, child abuse or neglect, sexual assault or abuse, stalking, or trafficking case;
* continuous violence against the family; and
* stalking.

H.B. 3824 amends the Family Code to make conforming changes.  |
| **EFFECTIVE DATE** September 1, 2019. |