

## **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.