

By: Herrero

H.B. No. 1661

A BILL TO BE ENTITLED

AN ACT

relating to the prosecution of the criminal offense of continuous violence against the family.

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

SECTION 1. Chapter 13, Code of Criminal Procedure, is amended by adding Article 13.072 to read as follows:

Art. 13.072. CONTINUOUS VIOLENCE AGAINST THE FAMILY COMMITTED IN MORE THAN ONE COUNTY. An offense under Section 25.11, Penal Code, may be prosecuted in any county in which the defendant engaged in the conduct constituting an offense under Section 22.01(a)(1), Penal Code, against a person described by Section 25.11(a), Penal Code.

SECTION 2. Section 25.11, Penal Code, is amended by adding Subsection (a-1) and amending Subsection (b) to read as follows:

(a-1) It is not a defense to prosecution under this section that the conduct occurred in more than one county in this state.

(b) If the jury is the trier of fact, members of the jury are not required to agree unanimously on the specific conduct in which the defendant engaged that constituted an offense under Section 22.01(a)(1) against the person or persons described by Subsection (a), ~~or~~ the exact date when that conduct occurred, or the county in which each instance of the conduct occurred. The jury must agree unanimously that the defendant, during a period that is 12 months or less in duration, two or more times engaged in conduct that

1 constituted an offense under Section 22.01(a)(1) against the person
2 or persons described by Subsection (a).

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, 2019.