

By: Sherman, Sr.

H.B. No. 3824

A BILL TO BE ENTITLED

AN ACT

relating to an affirmative finding of family violence entered in the trial of certain offenses.

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

SECTION 1. Article 42.013, Code of Criminal Procedure, is amended to read as follows:

Art. 42.013. FINDING OF FAMILY VIOLENCE. In the trial of an offense under Title 5, Penal Code, or Section 25.07, 25.071, 25.072, 25.11, or 42.072, Penal Code, if the court determines that the offense involved family violence, as defined by Section 71.004, Family Code, the court shall make an affirmative finding of that fact and enter the affirmative finding in the judgment of the case.

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

(b) If a judge grants community supervision to a defendant convicted of an offense [~~under Title 5, Penal Code,~~] that the court determines involves family violence, the judge shall require the defendant to pay \$100 to a family violence center that:

(1) receives state or federal funds; and

(2) serves the county in which the court is located.

SECTION 3. Section 81.0015, Family Code, is amended to read as follows:

Sec. 81.0015. PRESUMPTION. For purposes of this subtitle, there is a presumption that family violence has occurred and is

1 likely to occur in the future if:

2 (1) the respondent has been convicted of or placed on  
3 deferred adjudication community supervision for any of the  
4 following offenses against the child for whom the petition is  
5 filed:

6 (A) an offense [~~under Title 5, Penal Code,~~] for  
7 which the court has made an affirmative finding that the offense  
8 involved family violence under Article [42.013](#), Code of Criminal  
9 Procedure; or

10 (B) an offense under Title 6, Penal Code;

11 (2) the respondent's parental rights with respect to  
12 the child have been terminated; and

13 (3) the respondent is seeking or attempting to seek  
14 contact with the child.

15 SECTION 4. The change in law made by this Act applies only  
16 to an offense committed on or after the effective date of this Act.  
17 An offense committed before the effective date of this Act is  
18 governed by the law in effect on the date the offense was committed,  
19 and the former law is continued in effect for that purpose. For  
20 purposes of this section, an offense was committed before the  
21 effective date of this Act if any element of the offense was  
22 committed before that date.

23 SECTION 5. This Act takes effect September 1, 2019.