

By: Sherman, Sr.

H.B. No. 308

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 any provision of the [~~Title 5,~~] 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 a fine of \$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. Articles 42.013 and 42A.504(b), Code of Criminal
16 Procedure, as amended by this Act, apply only to an offense
17 committed on or after the effective date of this Act. An offense
18 committed before the effective date of this Act is governed by the
19 law in effect on the date the offense was committed, and the former
20 law is continued in effect for that purpose. For purposes of this
21 section, an offense was committed before the effective date of this
22 Act if any element of the offense was committed before that date.

23 SECTION 5. This Act takes effect on the 91st day after the
24 last day of the legislative session.