

BILL ANALYSIS

H.B. 1017
By: Sherman, Sr.
Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

According to a collaborative study on domestic violence that can be found in the National Library of Medicine, National Center for Biotechnology Information, family violence is an issue that is estimated to affect 10 million people per year across the United States. The Texas Council on Family Violence reports that there were 232,840 family violence incidents in 2021, with 204 victims losing their lives. While these numbers continue to increase, the list of what the courts are allowed to consider when making the affirmative finding for family violence remains the same. Too many offenses that involve family violence cannot be used as a basis for findings to prevent future family violence. H.B. 1017 seeks to address these issues by allowing judges to make an affirmative finding of family violence for offenses in any provision of the Penal Code, expanding the protections for victims of 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. 1017 amends the Code of Criminal Procedure to extend from Penal Code provisions relating to offenses against the person to all Penal Code offenses the offenses under which, if the court determines that an offense involved family violence, the court is required to make an affirmative finding regarding the involvement of family violence. The bill applies only to an offense committed on or after the bill's effective date. The bill provides for the continuation of the law in effect before the bill's effective date for purposes of an offense, or any element thereof, that occurred before that date.

H.B. 1017 amends the Family Code to make conforming changes.

EFFECTIVE DATE

September 1, 2023.