

## **BILL ANALYSIS**

H.B. 1589  
By: Cook  
Criminal Jurisprudence  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

According to the Texas Council on Family Violence, 169 women and 35 men were killed by an intimate partner or stalking perpetrator across 63 counties in Texas in 2021. Additionally, the Texas Department of Public Safety responded to 232,840 incidents of family violence in 2021, which constituted an 8.87 percent increase from 2020. Currently, when a defendant commits assault involving family violence, the penalty is a Class A misdemeanor. However, if the defendant has a prior conviction of committing family violence, the penalty is enhanced to a third degree felony. When a defendant is arrested for committing family violence, bond conditions and a protective order may be set while the criminal case is pending. Committing any additional acts of family violence constitutes a violation of the bond conditions and the protective order, but a prior conviction of such a violation does not trigger an enhancement to the penalty for assault the way that certain other family violence-related convictions do. H.B. 1589 seeks to remedy this situation by enhancing the penalty for certain family violence assaults if the defendant has a prior conviction of violating such bond conditions or a protective order.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill expressly does one or more of the following: creates a criminal offense, increases the punishment for an existing criminal offense or category of offenses, or changes 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. 1589 amends the Penal Code to enhance from a Class A misdemeanor to a third degree felony the penalty for assault causing bodily injury that is committed against a person with whom the defendant has a family, dating, or household relationship or association if it is shown on trial that the defendant has been previously convicted of the violation or repeated violation of certain court orders or bond conditions based on family violence. The bill enhances the penalty to a second degree felony if it is shown on trial that, in addition to having such a previous conviction, the assault is committed by intentionally, knowingly, or recklessly impeding the person's breathing or blood circulation by applying pressure to the person's throat or neck or by blocking the person's nose or mouth. The bill also clarifies that a previous conviction of continuous violence against the family is included among the previous convictions for which such an assault committed in that manner is enhanced to a second degree felony.

H.B. 1589 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.

**EFFECTIVE DATE**

September 1, 2023.