

BILL ANALYSIS

C.S.H.B. 2094
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Juvenile Justice & Family Issues
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Currently, when a couple is married, both have equal rights to community property, including the home, during a divorce proceeding. However, C.S.H.B. 2094 proposes that, during the pendency of a suit for the dissolution of a marriage or in the three-year period preceding the date the suit was filed, if a party is convicted of a felony offense involving family violence or is on deferred adjudication community supervision for such an offense, that the victim, if that victim is the party filing the motion or the party's family or household member, be automatically granted exclusive rights to the homestead during the proceedings. This legislation will assist in the separation of the victim from the offender in domestic violence cases whenever the parties are related by marriage and share residency, thus allowing the victim to have a place of stability during this time of duress.

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

C.S.H.B. 2094 amends the Family Code to require a court, while a suit for dissolution of a marriage is pending and on the motion of a party, to render an appropriate order awarding the party exclusive occupancy of the primary residence during the pendency of the suit if the adverse party has, during the pendency or in the three-year period preceding the date the suit was filed, been convicted of or placed on deferred adjudication community supervision for one of the following offenses:

- a felony classified as an offense against the person for which the court has made an affirmative finding that the offense involved family violence that was committed against the party filing the motion or a member of that party's family or household; or
- an offense of continuous violence against the family committed against the party filing the motion or a member of that party's family or household.

The bill specifies that an order that a court may render in a suit awarding one spouse exclusive occupancy of a residence during the pendency of the case applies to the primary residence or other residential property. The bill authorizes a party that has been awarded exclusive occupancy of the primary residence to file a motion to vacate that order at any time during the pendency of the suit. The bill applies to a suit for dissolution of a marriage that is pending in a trial court on the bill's effective date or that is filed on or after that date.

EFFECTIVE DATE

September 1, 2023.

COMPARISON OF INTRODUCED AND SUBSTITUTE

While C.S.H.B. 2094 may differ from the introduced in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

While both the introduced and substitute require a court to render an order awarding the applicable party exclusive occupancy of the residence during the pendency of the suit, the substitute includes a specification absent from the introduced that the exclusive occupancy awarded is of the primary residence. The substitute includes provisions that were not in the introduced that do the following:

- specify that an order that a court may render in a suit awarding one spouse exclusive occupancy of a residence during the pendency of the case applies to the primary residence or other residential property; and
- authorizes a party that has been awarded exclusive occupancy of the primary residence under the bill's provisions to file a motion to vacate that order at any time during the pendency of the suit.