

BILL ANALYSIS

H.B. 2097
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Homeland Security & Public Safety
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Currently, individuals who make calls requesting peace officers to investigate a family violence allegation may experience intimidation or harassment from the alleged offender if the individual is within eyeshot or earshot of the alleged offender. This may alter the accuracy of information reported, which may then lead to ineffective assistance provided by peace officers. H.B. 2097 seeks to address this matter by requiring peace officers to physically separate potential victims and suspects during a response to a disturbance call that may involve 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. 2097 amends the Code of Criminal Procedure to require a peace officer investigating a family violence allegation or responding to a disturbance call that may involve family violence to physically separate the individuals at the scene and conduct an interview of the potential victim in a manner that prevents the suspect from intimidating the victim while the victim is providing statements and other evidence to the investigating peace officer. With respect to this duty, the bill requires the officer do the following, at minimum:

- prevent the suspect from being able to make eye contact with the victim or make any other nonverbal communication to the victim;
- place the suspect and victim into separate rooms if both are detained indoors; and
- to the extent practicable, prevent the suspect from making verbal communications to the victim by using physical barriers or placing the suspect at a distance from the victim at which speech is not likely to be overheard or intelligible.

EFFECTIVE DATE

September 1, 2023.