

BILL ANALYSIS

C.S.H.B. 2073
By: Hull
Criminal Jurisprudence
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Under current law, possession of a deadly weapon results in a penalty enhancement for several offenses due to the perpetrator's intention or will to use deadly force. While such an enhancement applies to several offenses, there is no specific enhancement for a violation of a family violence or sexual assault protective order or a violation of a condition of bond in certain cases if, in committing the offense, the actor was in possession of a deadly weapon. The bill author has informed the committee that victims advocates and law enforcement have stated that the presence of a deadly weapon when violating a protective order or condition of bond greatly increases the risk of violence used against a victim and threatens public safety and the safety of victims. C.S.H.B. 2073 seeks to provide law enforcement and prosecutors more tools to apprehend and prosecute these violent offenders and to better protect victims by enhancing penalties for a violation of certain court orders or conditions of bond in certain cases if the defendant commits the violation while possessing a deadly weapon.

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

C.S.H.B. 2073 amends the Penal Code to enhance the penalty for violating certain court orders or conditions of bond in cases involving family violence, child abuse or neglect, sexual assault or abuse, indecent assault, stalking, or trafficking from a Class A misdemeanor to a state jail felony if the defendant violates such an order or a condition of bond by engaging in applicable conduct constituting the offense while possessing a deadly weapon. The bill enhances the penalty for a repeated violation of certain court orders or conditions of bond in cases involving family violence, child abuse or neglect, sexual assault or abuse, indecent assault, stalking, or trafficking from a third degree felony to a second degree felony if it is shown on the trial of the offense that at least one time the person engaged in conduct that was punishable as the enhanced offense for violating certain court orders or conditions of bond in such cases while possessing a deadly weapon.

C.S.H.B. 2073 applies only to an offense committed on or after the bill's effective date. An offense committed before the bill's effective date is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. For these

purposes, an offense was committed before the bill's effective date if any element of the offense occurred before that date.

EFFECTIVE DATE

September 1, 2025.

COMPARISON OF INTRODUCED AND SUBSTITUTE

C.S.H.B. 2073 differs from the introduced only by including a Texas Legislative Council draft number in the footer.