By: Zaffirini S.B. No. 462

A BILL TO BE ENTITLED

AN ACT

relating to sentencing and community supervision procedures, including for family violence offenders.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Article 42.013, Code of Criminal Procedure, is amended to read as follows:

Art. 42.013. FINDING OF FAMILY VIOLENCE. In the trial of an offense under Title 5, Penal Code, if the court determines that the offense involved family violence, as defined by Section 71.004, Family Code, the court shall make an affirmative finding of that fact, orally communicate the substance of [~~and enter~~] the [~~affirmative~~] finding on the record in the defendant's presence immediately before sentence is pronounced, and enter the written finding in the judgment of the case.

SECTION 2. Section 1(a), Article 42.03, Code of Criminal Procedure, is amended to read as follows:

(a) Except as provided in Article 42.14, sentence shall be pronounced on the record in the defendant's presence.

SECTION 3. Article 42A.504(b), Code of Criminal Procedure, is amended to read as follows:

(b) If a judge grants community supervision to a defendant charged with or convicted of an offense under Title 5, Penal Code, that the court determines involves family violence, the judge shall require the defendant to pay a fine of $100 to a family violence

center that:

(1) receives state or federal funds; and

(2) serves the county in which the court is located.

SECTION 4. The change in law made by this Act to Article 42.013, Code of Criminal Procedure, applies to an affirmative finding entered under that article on or after the effective date of this Act, regardless of whether the applicable offense was committed before, on, or after that date.

SECTION 5. The change in law made by this Act to Section 1(a), Article 42.03, Code of Criminal Procedure, applies to the pronouncement of a sentence that occurs on or after the effective date of this Act, regardless of whether the offense for which the person was sentenced was committed before, on, or after that date.

SECTION 6. The change in law made by this Act to Article 42A.504(b), Code of Criminal Procedure, applies only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act 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 purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

SECTION 7. This Act takes effect September 1, 2027.