

SUBJECT: Requiring an affirmative finding of family violence for certain offenses

COMMITTEE: Criminal Jurisprudence — favorable, without amendment

VOTE: 9 ayes — Collier, Zedler, K. Bell, J. González, Hunter, P. King, Moody, Murr, Pacheco

0 nays

WITNESSES: For — Ann Duffy, Dallas County Criminal District Attorney John Creuzot; (*Registered, but did not testify*: Justin Berry, Austin Police Association; Chris Jones, Combined Law Enforcement Associations of Texas; James Grace Jr., Houston Area Women's Center; Linda Phan, Texas Council on Family Violence)

Against — None

On — (*Registered, but did not testify*: Craig Schiebel)

BACKGROUND: Code of Criminal Procedure art. 42.013 requires a court to make an affirmative finding of fact in the trial of certain offenses if the court determines that the offense involved family violence. The affirmative finding must be entered in the judgment of the case.

DIGEST: CSHB 3824 would expand the offenses for which, if a court determined the offense involved family violence, the court would be required to make an affirmative finding of that fact and enter the finding into the judgment of the case.

These offenses would include:

- the violation or repeated violation of certain court orders in a family violence, child abuse or neglect, sexual assault or abuse, stalking, or trafficking case;
- the violation of a protective order preventing offense caused by bias or prejudice;

HB 3824  
House Research Organization  
page 2

- continuous violence against the family; and
- stalking.

The bill would take effect September 1, 2019, and would apply only to an offense committed on or after the effective date.