

- SUBJECT:** Mandatory jail terms for certain offenses involving family violence
- COMMITTEE:** Criminal Jurisprudence — favorable, without amendment
- VOTE:** 7 ayes — Herrero, Carter, Burnam, Hughes, Leach, Moody, Toth  
2 nays — Canales, Schaefer
- WITNESSES:** For — L.J. Rabb, Cameron County District Attorneys Office; (*Registered, but did not testify*: Lon Craft, Texas Municipal Police Association; Leah Gonzalez, National Association of Social Workers; Charley Wilkison, Combined Law Enforcement Associations of Texas, CLEAT)  
  
Against — (*Registered, but did not testify*: Kristin Etter, Texas Criminal Defense Lawyers Association; Chris Kirk, Sheriffs Association of Texas)  
  
On — (*Registered, but did not testify*: Von Bunn, Office of the Attorney General)
- DIGEST:** HB 1436 would impose mandatory jail time for offenders convicted of certain family violence offenses.
- The bill would require courts granting community supervision (probation) to persons convicted of certain offenses involving family violence to require offenders to serve minimum jail terms of:
- three days if convicted of assault causing bodily injury or the offense of violating a court order or bond in a family violence case;
  - five days if convicted of assault causing bodily injury that involved choking, a third or subsequent offense for the crime of violating a court order or bond in a family violence case, or continuous violence against the family; and
  - at least 30 days if convicted of aggravated assault involving a deadly weapon and causing serious bodily injury.
- The following convictions would require offenders to serve at least 10 days in jail:
- assault with bodily injury that involved choking by a person who

- previously had committed family violence offenses;
- aggravated assault;
  - violating a court order or bond in family violence cases by committing assault or stalking; or
  - continuous violence against the family in conjunction with certain previous offenses including homicides, assaults, kidnapping, aggravated kidnapping, indecency with a child, and continuous violence against the family.

The bill would impose a minimum jail term of three days for class A misdemeanor (up to one year in jail and/or a maximum fine of \$4,000) assault causing bodily injury if it involved a family member, as well as the offense of violating court orders or bond conditions in family violence cases.

**SUPPORTERS  
SAY:**

HB 1436 would ensure the adequate punishment of family violence perpetrators and the deterrence of future offenses. Currently, many family violence offenders receive only minimal penalties, such as a fine and probation with no jail time. This is unacceptable given the harm these offenders do to their immediate victims and other family members and the increasing prevalence of family violence.

HB 1436 would address this by requiring at least 72 hours jail time for certain family offenses. The minimum jail times would increase with repeat offenses and for the most serious crimes, such as choking. Jail time would ensure these offenders understood the consequences of their actions, including a taste of what could be their fate if they continued harming their family members. HB 1436 would ensure that family violence offenders received more than a slap on the wrist while providing more protection to victims.

Courts would have discretion in handling these cases. While the bill would establish minimum jail terms, courts would continue to have wide authority to craft punishments as they saw fit. For example, courts would continue to decide about probation and its conditions, additional jail time, and fines.

Judges have flexibility in how they require offenders to serve jail terms and can consider offenders' employment. For example, many judges allow time to be served on weekends or on days off to avoid negative impact on the offender's employment.

Punishing offenders who have violently harmed family members would be an appropriate use of criminal justice resources. Demand for jail space and costs for counties could decrease in some situations as offenses were deterred.

**OPPONENTS  
SAY:**

Imposing mandatory minimum jail terms for a group of offenders would reduce courts' discretion and curtail their ability to handle each case individually to ensure that justice was served. Current law allows judges to impose jail terms as a condition of probation, as well as for assault and the offense of violating court orders or bond conditions in family violence cases.

Mandatory jail terms could make it difficult for offenders to hold onto jobs, which could hurt their families or exacerbate family problems. Mandatory minimum jail terms also could increase demand for county jail space, which would increase costs for the counties.