

BILL ANALYSIS

H.B. 2159
By: Moody
Juvenile Justice & Family Issues
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Advocates have noted that, despite children suffering profoundly negative effects from witnessing family violence, a child witness of family violence is not considered a victim for purposes of receiving restitution for mental health services. H.B. 2159 seeks to address this issue and help to mitigate the harmful effects of witnessing 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. 2159 amends the Code of Criminal Procedure to require a court that places a defendant on community supervision after a conviction or a grant of deferred adjudication for an offense involving family violence to make a finding as to whether the offense was committed in the physical presence of, or in the same habitation or vehicle occupied by, a person younger than 15 years of age and whether, at the time of the offense, the defendant had knowledge or reason to know that the person younger than 15 years of age was physically present or occupied the same habitation or vehicle. The bill requires the court, if the court finds both issues in the affirmative, to order the defendant to pay restitution in an amount equal to the cost of necessary rehabilitation, including medical, psychiatric, and psychological care and treatment, for such a child witness of family violence. The bill requires the court, after considering the financial circumstances of the defendant, to specify in the restitution order the manner in which the defendant must pay the restitution. The bill authorizes enforcement of such a restitution order by the state, or by a person or a parent or guardian of the person named in the order to receive the restitution, in the same manner as a judgment in a civil action. The bill authorizes a court to hold a hearing, make findings of fact, and amend such a restitution order if the defendant fails to pay the person named in the order in the manner specified by the court.

EFFECTIVE DATE

September 1, 2015.