

BILL ANALYSIS

C.S.H.B. 24
By: Romero, Jr.
Criminal Jurisprudence
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Studies indicate that children who witness violence in the home may suffer severe emotional and developmental difficulties that are similar to those of children who are direct targets of such violence. It has been suggested that increasing criminal penalties for family violence witnessed by a child would afford prosecutors another tool when prosecuting family violence offenses and help to establish information that could be pertinent for future court proceedings determining child custody and visitation. C.S.H.B. 24 seeks to address this issue by increasing criminal penalties for certain family violence offenses committed in the presence of a person who is younger than 18 years of age.

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. 24 amends the Penal Code to enhance the penalty for assault involving intentionally, knowingly, or recklessly causing bodily injury to another from a Class A misdemeanor to a state jail felony, unless the conduct is punishable under certain statutory provisions as a third degree felony or second degree felony, and to enhance the penalty for aggravated assault from a second degree felony to a first degree felony if the offense is committed against a person who is or has been in a dating relationship with or is in the family or household of the defendant and the offense is committed in the physical presence of a person who is younger than 18 years of age or the actor has reason to believe that the person who is younger than 18 years of age is present and may see or hear the offense at the time of the offense.

EFFECTIVE DATE

September 1, 2019.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 24 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute revises the provision establishing the elements of the underlying conduct that give rise to the penalty enhancement for the assault or aggravated assault by:

- replacing the condition that the offense be committed in the physical presence or within the hearing of an applicable person and that the actor have reason to know that the person is present and may see or hear the offense with the condition that the offense be committed in the physical presence of an applicable person or that the actor have reason to believe that the person is present and may see and hear the offense; and
- raising the age of that applicable person from younger than 15 years of age to younger than 18 years of age.