

SUBJECT: Prosecution in various counties of continuous violence against the family

COMMITTEE: Criminal Jurisprudence — committee substitute recommended

VOTE: 8 ayes — Collier, Zedler, K. Bell, J. González, Hunter, Moody, Murr, Pacheco

0 nays

1 absent — P. King

WITNESSES: For — Mark Gonzalez, Nueces County District Attorney; Matt Manning, Nueces County District Attorney; Rumaldo Solis, Nueces County District Attorney's Office; Doreen Sims, Stop Abuse Campaign; Rachel Pesek; (*Registered, but did not testify:* Joseph Chacon, Austin Police Department; Rita Ostrander, Combined Law Enforcement Associations of Texas; Frederick Frazier, Dallas Police Association, State FOP; Matthew Williamson, Dallas Police Department; Richard Jankovsky III, DPS Officers Association; Jimmy Rodriguez, San Antonio Police Officers Association; Vincent Giardino, Tarrant County Criminal District Attorney's Office; Krista Del Gallo and Linda Phan, Texas Council on Family Violence; Noel Johnson, Texas Municipal Police Association; Robert Bland; Melanie Greene; Jennifer Price)

Against — None

BACKGROUND: Code of Criminal Procedure ch. 13 establishes where crimes are to be prosecuted. Under art. 13.18, if venue is not specified, prosecutions occur in the county in which the offense was committed. Other articles in ch. 13 list variations from this for specific offenses.

Penal Code sec. 25.11 makes continuous violence against the family a crime. It is a third-degree felony (two to 10 years in prison and an optional fine of up to \$10,000) to engage, within a 12-month period, two or more times in the crime of assault with bodily injury against a family member, household member, or dating partner.

Some suggest that it could be unclear where a case of continuous family violence should be prosecuted if assaults took place in more than one county.

DIGEST:

CSHB 1661 would allow the offense of continuous violence against the family to be prosecuted in any county in which the defendant committed assault against a family member, household member, or a dating partner.

If the case were tried before a jury, jurors would not have to agree on the county in which each instance of assault occurred.

CSHB 1661 could be cited as "Rachel's Law."

The bill would take effect September 1, 2019, and would apply to offenses committed on or after that date.