

BILL ANALYSIS

Senate Research Center
76R7849 GWK-D

C.S.S.B. 24
By: Nelson
Criminal Justice
3/1/1999
Committee Report (Substituted)

DIGEST

The 74th Legislature increased the penalty for the third assault committed on a family member to a state jail felony. A driving while intoxicated offense or stalking offense is increased on the second offense but this is not true of a second assault. This bill would increase the penalty for a second assault offense against a family to a third degree felony, and would make a probated sentence or deferred adjudication a final conviction.

PURPOSE

As proposed, C.S.S.B. 24 increases the penalty for the second offense against a family member to a third degree felony.

RULEMAKING AUTHORITY

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 22.01(b), Penal Code, by amending Subsections (b) and (e) and adding Subsection (f), to provide that an offense under Subsection (a)(1) is a third degree felony if the offense is committed against a member of the defendant's family or household, if it is shown on the trial of the offense that the defendant has been previously convicted of an offense against a member of the defendant's family or household. Defines "household." Provides that for purposes of this section, a defendant has been previously convicted of an offense against a member of the defendant's family or a member of the defendant's household if the defendant was judged guilty of the offense or pled guilty or nolo contendere in return for deferred adjudication, regardless of whether the sentence was ever imposed or probated, and the defendant was discharged from community supervision.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 1999.

SECTION 4. Emergency clause.

SUMMARY OF COMMITTEE CHANGES

SECTION 1.

Amends Section 22.01(b), Penal Code, to provide that an offense under Subsection (a)(1) is a third degree felony if the offense is committed against a member, rather than family, of the defendant's family or household, if it is shown on the trial of the offense that the defendant has been previously convicted of an offense against a member of the defendant's family or household. Defines "household." Provides that for purposes of this section, a defendant has been previously convicted of an offense against a member of the defendant's family or a member of the defendant's household under this section if the defendant was judged guilty of the offense or pled guilty or nolo contendere in return for deferred adjudication, regardless of whether the sentence was ever imposed or probated, and the defendant was discharged from community supervision. Deletes Section 22.03, Penal Code, regarding family violence committed within view of child. Makes conforming changes.

SECTIONS 2-4.

Redesignated from SECTIONS 3-5.