

BILL ANALYSIS

Senate Research Center
80R2809 SLO-D

S.B. 1558
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Criminal Justice
4/17/2007
As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The 79th Legislature, Regular Session, 2003, modified the assault and aggravated assault statutes of the Penal Code to enhance the penalties for subsequent convictions of family violence, including dating violence and violence committed against a family member or household. Unfortunately, the current statutes do not include citations to Section 71.006 (Member of a Household), Family Code. As such, courts have found that assault and aggravated assault committed against former household members will not trigger such enhanced penalties. This hinders the state's ability to prevent subsequent incidents of assault from occurring against a former live-in partner who no longer lives with the abuser.

As proposed, S.B. 1558 adds the appropriate citations to Section 71.006, Family Code, to the Penal Code, in order that these enhanced penalties will apply to a person who commits assault or aggravated assault against a victim who is a former member of the person's household.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Sections 22.01(b) and (f), Penal Code, as follows:

(b) Provides that an offense under Subsection (a)(1) (intentionally, knowingly, or recklessly causing bodily injury to another person) is a felony of the third degree if the offense is committed against a person whose relationship to or association with the defendant is described by Section 71.006 (a person who was once a member of the same household as the defendant, regardless of whether the person is related to the defendant), Family Code, if it is shown on the trial of the offense that the defendant has been previously convicted of an offense under this chapter (Assaultive Offenses), Chapter 19 (Criminal Homicide), or Section 20.03 (Kidnapping), 20.04 (Aggravated Kidnapping), or 21.11 (Indecency with a Child) against that person. Makes a conforming change.

(f) Makes a conforming change.

SECTION 2. Amends Section 22.02(b), Penal Code, to provide that an offense under this section is a felony of the first degree if the actor uses a deadly weapon during the commission of the assault and causes serious bodily injury to a person whose relationship to or association with the defendant is described by Section 71.006, Family Code.

SECTION 3. Makes application of this Act prospective.

SECTION 4. Effective date: September 1, 2007.