

## **BILL ANALYSIS**

Senate Research Center  
84R31514 LEH-D

C.S.H.B. 2645  
By: Blanco et al. (Hinojosa)  
Criminal Justice  
5/21/2015  
Committee Report (Substituted)

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

C.S.H.B. 2645 amends current law relating to the prosecution of certain offenses involving family violence and to the violation of certain court orders or conditions of bond in a family violence, sexual assault or abuse, or stalking case.

### **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 Chapter 38, Code of Criminal Procedure, by adding Article 38.371, as follows:

Art. 38.371. EVIDENCE IN PROSECUTIONS OF CERTAIN OFFENSES INVOLVING FAMILY VIOLENCE. (a) Provides that this article applies to a proceeding in the prosecution of a defendant for an offense, or for an attempt or conspiracy to commit an offense, that is committed under:

(1) Section 22.01 (Assault) or 22.02 (Aggravated Assault), Penal Code, against a person whose relationship to or association with the defendant is described by Section 71.0021(b) (defining "dating relationship"), 71.003 (Family), or 71.005 (Household), Family Code; or

(2) Section 25.07 (Violation of Certain Court Orders or Conditions of Bond in a Family Violence, Sexual Assault or Abuse, or Stalking Case) or 25.072 (Repeated Violation of Certain Court Orders or Conditions of Bond in Family Violence Case), Penal Code, if the offense is based on a violation of an order or a condition of bond in a case involving family violence.

(b) Authorizes each party, in the prosecution of an offense described by Subsection (a), subject to the Texas Rules of Evidence or other applicable law, to offer testimony or other evidence of all relevant facts and circumstances that would assist the trier of fact in determining whether the actor committed the offense described by Subsection (a), including testimony or evidence regarding the nature of the relationship between the actor and the alleged victim.

SECTION 2. Amends Section 25.07(a), Penal Code, to provide that a person commits an offense if, in violation of a condition of bond set in a family violence, sexual assault or abuse, or stalking case and related to the safety of a victim or the safety of the community, an order issued under Article 17.292 (Magistrate's Order for Emergency Protection), Code of Criminal Procedure, an order issued under Section 6.504 (Protective Orders), Family Code, Chapter 83 (Temporary Ex Parte Orders), Family Code, if the temporary ex parte order has been served on the person, or Chapter 85 (Issuance of Protective Order), Family Code, or an order issued by another jurisdiction as provided by Chapter 88 (Uniform Interstate Enforcement of Protective Orders

Act), Family Code, the person knowingly or intentionally removes, attempts to remove, or otherwise tampers with the normal functioning of a global positioning monitoring system.

SECTION 3. Amends Section 25.07(b), Penal Code, by adding Subdivision (2-a), to define “global positioning monitoring system.”

SECTION 4. (a) Provides that the change in law made by this Act in adding Article 38.371, Code of Criminal Procedure, applies to the admissibility of evidence in a criminal proceeding that commences on or after the effective date of this Act. Provides that the admissibility of evidence in a criminal proceeding that commences before the effective date of this Act is governed by the law in effect on the date the proceeding commenced, and the former law is continued in effect for that purpose.

(b) Provides that the change in law made by this Act is amending Section 25.07, Penal Code, applies only to an offense committed on or after the effective date of this Act. Provides that an offense committed before the effective date of this Act is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. Provides that, for the purposes of this subsection, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

SECTION 5. Effective date: September 1, 2015.