

## **BILL ANALYSIS**

Senate Research Center  
86R19466 TSS-D

H.B. 1661  
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Criminal Justice  
5/13/2019  
Engrossed

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

Continuous family violence is a serious charge in Texas. Under the Texas Penal Code, a person can be charged with continuous violence against the family if the assault happens two or more times within 12 months. Continuous family violence is a felony of the third degree, and is punishable by up to 10 years in prison and fines of up to \$10,000.

HB 1661 , named Rachel's Law, allows district attorneys to file continuous family violence charges against an offender if the act takes place in more than one county. Rachel's Law stems from a case where there were instances of family violence within and outside of a county.

H.B. 1661 amends current law relating to the prosecution of the criminal offense of continuous violence against the family.

### **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. Provides that this Act may be cited as Rachel's Law.

SECTION 2. Amends Chapter 13, Code of Criminal Procedure, by adding Article 13.072, as follows:

Art. 13.072. CONTINUOUS VIOLENCE AGAINST THE FAMILY COMMITTED IN MORE THAN ONE COUNTY. Authorizes an offense under Section 25.11 (Continuous Violence Against the Family), Penal Code, to be prosecuted in any county in which the defendant engaged in the conduct constituting an offense under Section 22.01(a)(1) (relating to a provision that a person commits an offense if the person intentionally, knowingly, or recklessly causes bodily injury to another, including the person's spouse), Penal Code, against a person described by Section 25.11(a) (relating to a provision that a person commits a certain offense if the person two or more times engages in certain conduct that constitutes an offense), Penal Code.

SECTION 3. Amends Section 25.11(b), Penal Code, as follows:

(b) Provides that, if the jury is the trier of fact, members of the jury are not required to agree unanimously on certain elements regarding the conduct of the defendant, including the county in which each instance of the conduct occurred.

SECTION 4. Makes application of this Act prospective. 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.

SECTION 5. Effective date: September 1, 2019.