

1-1 By: Moody (Senate Sponsor - Huffman) H.B. No. 2159
1-2 (In the Senate - Received from the House May 18, 2015;
1-3 May 22, 2015, read first time and referred to Committee on Criminal
1-4 Justice; May 22, 2015, reported favorably by the following vote:
1-5 Yeas 7, Nays 0; May 22, 2015, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	Whitmire	X		
1-9	Huffman	X		
1-10	Burton	X		
1-11	Creighton	X		
1-12	Hinojosa	X		
1-13	Menéndez	X		
1-14	Perry	X		

1-15 A BILL TO BE ENTITLED
1-16 AN ACT

1-17 relating to requiring the payment of restitution as a condition of
1-18 community supervision for offenses involving family violence
1-19 committed in the presence of certain children.

1-20 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-21 SECTION 1. Chapter 42, Code of Criminal Procedure, is
1-22 amended by adding Article 42.0373 to read as follows:

1-23 Art. 42.0373. MANDATORY RESTITUTION FOR CHILD WITNESS OF
1-24 FAMILY VIOLENCE. (a) If after a conviction or a grant of deferred
1-25 adjudication a court places a defendant on community supervision
1-26 for an offense involving family violence, as defined by Section
1-27 71.004, Family Code, the court shall make a finding as to whether:

1-28 (1) the offense was committed in the physical presence
1-29 of, or in the same habitation or vehicle occupied by, a person
1-30 younger than 15 years of age; and

1-31 (2) at the time of the offense, the defendant had
1-32 knowledge or reason to know that the person younger than 15 years of
1-33 age was physically present or occupied the same habitation or
1-34 vehicle.

1-35 (b) If the court finds both issues described by Subsection
1-36 (a) in the affirmative, the court shall order the defendant to pay
1-37 restitution in an amount equal to the cost of necessary
1-38 rehabilitation, including medical, psychiatric, and psychological
1-39 care and treatment, for a person described by Subsection (a)(1).

1-40 (c) The court shall, after considering the financial
1-41 circumstances of the defendant, specify in a restitution order
1-42 issued under Subsection (b) the manner in which the defendant must
1-43 pay the restitution.

1-44 (d) A restitution order issued under Subsection (b) may be
1-45 enforced by the state, or by a person or a parent or guardian of the
1-46 person named in the order to receive the restitution, in the same
1-47 manner as a judgment in a civil action.

1-48 (e) The court may hold a hearing, make findings of fact, and
1-49 amend a restitution order issued under Subsection (b) if the
1-50 defendant fails to pay the person named in the order in the manner
1-51 specified by the court.

1-52 SECTION 2. The changes in law made by this Act apply only to
1-53 an offense committed on or after the effective date of this Act. An
1-54 offense committed before the effective date of this Act is governed
1-55 by the law in effect on the date the offense was committed, and the
1-56 former law is continued in effect for that purpose. For purposes of
1-57 this section, an offense was committed before the effective date of
1-58 this Act if any element of the offense occurred before that date.

1-59 SECTION 3. This Act takes effect September 1, 2015.

1-60 * * * * *