

1-1 By: Blanco, Alvarado, Fallon H.B. No. 2645
1-2 (Senate Sponsor - Hinojosa)
1-3 (In the Senate - Received from the House May 7, 2015;
1-4 May 11, 2015, read first time and referred to Committee on Criminal
1-5 Justice; May 22, 2015, reported adversely, with favorable
1-6 Committee Substitute by the following vote: Yeas 7, Nays 0;
1-7 May 22, 2015, sent to printer.)

1-8 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-9				
1-10	Whitmire	X		
1-11	Huffman	X		
1-12	Burton	X		
1-13	Creighton	X		
1-14	Hinojosa	X		
1-15	Menéndez	X		
1-16	Perry	X		

1-17 COMMITTEE SUBSTITUTE FOR H.B. No. 2645 By: Whitmire

1-18 A BILL TO BE ENTITLED
1-19 AN ACT

1-20 relating to the prosecution of certain offenses involving family
1-21 violence and to the violation of certain court orders or conditions
1-22 of bond in a family violence, sexual assault or abuse, or stalking
1-23 case.

1-24 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-25 SECTION 1. Chapter 38, Code of Criminal Procedure, is
1-26 amended by adding Article 38.371 to read as follows:

1-27 Art. 38.371. EVIDENCE IN PROSECUTIONS OF CERTAIN OFFENSES
1-28 INVOLVING FAMILY VIOLENCE. (a) This article applies to a
1-29 proceeding in the prosecution of a defendant for an offense, or for
1-30 an attempt or conspiracy to commit an offense, that is committed
1-31 under:

1-32 (1) Section 22.01 or 22.02, Penal Code, against a
1-33 person whose relationship to or association with the defendant is
1-34 described by Section 71.0021(b), 71.003, or 71.005, Family Code; or

1-35 (2) Section 25.07 or 25.072, Penal Code, if the
1-36 offense is based on a violation of an order or a condition of bond in
1-37 a case involving family violence.

1-38 (b) In the prosecution of an offense described by Subsection
1-39 (a), subject to the Texas Rules of Evidence or other applicable law,
1-40 each party may offer testimony or other evidence of all relevant
1-41 facts and circumstances that would assist the trier of fact in
1-42 determining whether the actor committed the offense described by
1-43 Subsection (a), including testimony or evidence regarding the
1-44 nature of the relationship between the actor and the alleged
1-45 victim.

1-46 SECTION 2. Section 25.07(a), Penal Code, is amended to read
1-47 as follows:

1-48 (a) A person commits an offense if, in violation of a
1-49 condition of bond set in a family violence, sexual assault or abuse,
1-50 or stalking case and related to the safety of a victim or the safety
1-51 of the community, an order issued under Article 17.292, Code of
1-52 Criminal Procedure, an order issued under Section 6.504, Family
1-53 Code, Chapter 83, Family Code, if the temporary ex parte order has
1-54 been served on the person, or Chapter 85, Family Code, or an order
1-55 issued by another jurisdiction as provided by Chapter 88, Family
1-56 Code, the person knowingly or intentionally:

1-57 (1) commits family violence or an act in furtherance
1-58 of an offense under Section 22.011, 22.021, or 42.072;

1-59 (2) communicates:

1-60 (A) directly with a protected individual or a

2-1 member of the family or household in a threatening or harassing
2-2 manner;

2-3 (B) a threat through any person to a protected
2-4 individual or a member of the family or household; or

2-5 (C) in any manner with the protected individual
2-6 or a member of the family or household except through the person's
2-7 attorney or a person appointed by the court, if the violation is of
2-8 an order described by this subsection and the order prohibits any
2-9 communication with a protected individual or a member of the family
2-10 or household;

2-11 (3) goes to or near any of the following places as
2-12 specifically described in the order or condition of bond:

2-13 (A) the residence or place of employment or
2-14 business of a protected individual or a member of the family or
2-15 household; or

2-16 (B) any child care facility, residence, or school
2-17 where a child protected by the order or condition of bond normally
2-18 resides or attends;

2-19 (4) possesses a firearm; ~~[or]~~

2-20 (5) harms, threatens, or interferes with the care,
2-21 custody, or control of a pet, companion animal, or assistance
2-22 animal that is possessed by a person protected by the order; or

2-23 (6) removes, attempts to remove, or otherwise tampers
2-24 with the normal functioning of a global positioning monitoring
2-25 system.

2-26 SECTION 3. Section 25.07(b), Penal Code, is amended by
2-27 adding Subdivision (2-a) to read as follows:

2-28 (2-a) "Global positioning monitoring system" has the
2-29 meaning assigned by Article 17.49, Code of Criminal Procedure.

2-30 SECTION 4. (a) The change in law made by this Act in adding
2-31 Article 38.371, Code of Criminal Procedure, applies to the
2-32 admissibility of evidence in a criminal proceeding that commences
2-33 on or after the effective date of this Act. The admissibility of
2-34 evidence in a criminal proceeding that commences before the
2-35 effective date of this Act is governed by the law in effect on the
2-36 date the proceeding commenced, and the former law is continued in
2-37 effect for that purpose.

2-38 (b) The change in law made by this Act in amending Section
2-39 25.07, Penal Code, applies only to an offense committed on or after
2-40 the effective date of this Act. An offense committed before the
2-41 effective date of this Act is governed by the law in effect on the
2-42 date the offense was committed, and the former law is continued in
2-43 effect for that purpose. For purposes of this subsection, an
2-44 offense was committed before the effective date of this Act if any
2-45 element of the offense occurred before that date.

2-46 SECTION 5. This Act takes effect September 1, 2015.

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