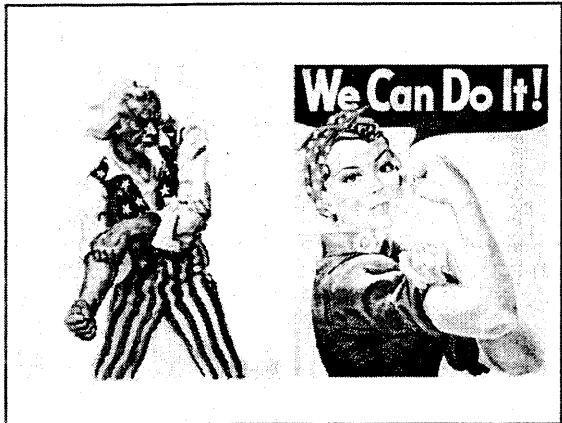


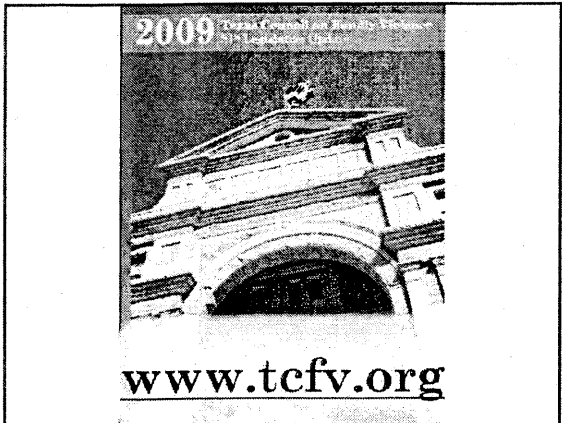
THE TCFV LEGISLATIVE AGENDA

IMPLEMENTATION

Texas Council on
FAMILY VIOLENCE
Over Thirty Years of Building a Safer Texas

81ST Session of the Texas
Legislature, 2009





CCP Article 27.14

SECTION 3. Article 27.14, Code of Criminal Procedure, is amended by adding Subsection (e) to read as follows:

(e)(1) Before accepting a plea of guilty or a plea of nolo contendere by a defendant charged with a misdemeanor involving family violence, as defined by Section 71.004, Family Code, the court shall admonish the defendant by using the following statement:

(2) The court may provide the admonishment under Subdivision (1) orally or in writing, except that if the defendant is charged with a misdemeanor punishable by fine only, the statement printed on a citation issued under Article 14.06(b) may serve as the court admonishment required by this subsection.

SB 1236



- ▣ Senate:
 - Kel Seliger
 - (R) Amarillo
 - Vice Chair: Criminal Jurisprudence
 - Member: Finance

SB 1236

- ▣ House:
 - Dawanna Dukes
 - (D) Austin
 - Member: Appropriations



HB 1506

- ▣ **Caption:**
Relating to conditions of release on bond for certain defendants charged with an offense involving family violence.

HB 1506



- ▣ **House:**
 - **Abel Herrero**
 - ▣ (D) Corpus Christi
 - ▣ **Vice Chair:**
Health and Human Services

HB 1506

- ▣ **Senate:**
 - **Chuy Hinojosa**
 - ▣ (D) McAllen
 - ▣ **Vice Chair:**
Finance



HB 1506

▣ Applies to:

- Magistrate's Emergency Order of Protection (under Article 17.292 (c-1))
- As a condition of release on bond (under Article 17.49(b))
- Permissive not mandatory



HB 1506

▣ Features of HB 1506

- Defines "Global Position Monitoring System"
- Magistrate may order defendant to pay for the GPS monitoring
- Magistrate may order the defendant to pay for the victim to monitor the defendant

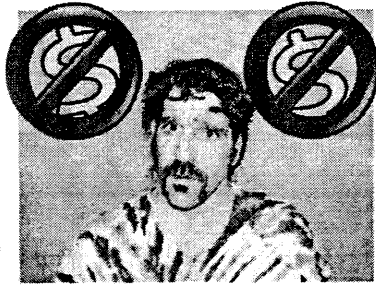
HB 1506

▣ Features of HB 1506



- If ordering GPS, requires magistrate to offer "opportunity" for victim to provide a list of prohibited places
- If allowing victim to monitor, requires magistrate to give victim information about GPS.
- A magistrate may not impose sanctions on a victim for refusing to participate or terminating participation

HB 1506



HB 1506

▣ Features of HB 1506

(h) If the magistrate determines that a defendant is indigent, the magistrate may, based on a sliding scale established by local rule, require the defendant to pay costs under Subsection(b)(2) or (3) in an amount that is less than the full amount of the costs associated with operating the global positioning monitoring system in relation to the defendant or providing the victim with an electronic receptor device.

HB 1506

▣ Features of HB 1506

(i) If an indigent defendant pays to an entity that operates a global positioning monitoring system the partial amount ordered by a magistrate under Subsection (h), the entity shall accept the partial amount as payment in full. The county in which the magistrate who enters an order under Subsection (h) is located is not responsible for payment of any costs associated with operating the global positioning monitoring system in relation to an indigent defendant.

HB 1506

▣ Features of HB 1506

(i) If an indigent defendant pays to an entity that operates a global positioning monitoring system the partial amount ordered by a magistrate under Subsection (h), the entity shall accept the partial amount as payment in full. The county in which the magistrate who enters an order under Subsection (h) is located is not responsible for payment of any costs associated with operating the global positioning monitoring system in relation to an indigent defendant.

HB 1506

▣ TCFV Suggested Best Practices

■ **“Carry” vs. “Wear”**

HB 1506

▣ TCFV Suggested Best Practices
Information for the victim:

“Outing” her safe place
Direct Line to the Police?
False / Dangerous Expectations
The Wal-Mart Example
Victim as law enforcement?
Cadillacs vs. Pintos

HB 1506

▣ TCFV Suggested Best Practices
Information for the victim:

If the victim
wants out, let
her out.

Written and oral
information for the
victim in her language

Cross arrests!!!

Have a plan for cases involving
law enforcement offenders

HB 1506

▣ Other ideas???

CCP
Articles
17.292(c-f)
and
17.49

SB 83

- ▣ **Caption:**
Relating to right to vacate and avoid residential lease liability following the occurrence of certain sex offenses or family violence.

SB 83

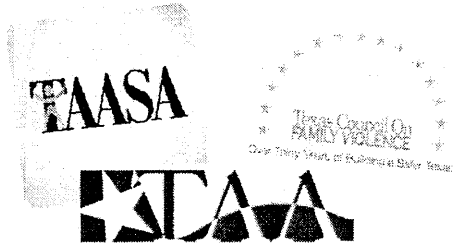
- ▣ **The 80th Session's lease termination covered family violence victims whose batterers were on the lease.**
- ▣ **Proof:**
 - (1) a temporary injunction issued under Subchapter F, Chapter 6, Family Code; or
 - (2) a protective order issued under Chapter 85, Family Code.

SB 83

- ▣ **The victim can vacate without penalty after:**
 - (1) a judge signs an order described by Subsection (b);
 - (2) the tenant has delivered a copy of the order to the landlord; and
 - (3) the tenant has vacated the dwelling.

SB 83

☐ **The 81st Session**



SB 83

- ☐ **The 81st Session**
- ☐ **Add Dating Violence Victims**
- ☐ **Proof:**

(1) a temporary injunction issued under Subchapter F, Chapter 6, Family Code; ~~or~~

(2) a temporary ex parte order issued under Chapter 83, Family Code; or

(3) a protective order issued under Chapter 85, Family Code.

SB 83

☐ **30 days notice required**

SB 83

- ☐ The 81st Session
- ☐ Add sexual assault victims
 - Proof:

(1) documentation of the assault or abuse of the victim from a licensed health care services provider who examined the victim;

(2) documentation of the assault or abuse of the victim from a licensed mental health services provider who examined or evaluated the victim;

(3) documentation of the assault or abuse of the victim from an individual authorized under Chapter 420, Government Code, who provided services to the victim; or

(4) documentation of a protective order issued under Chapter 7A, Code of Criminal Procedure.

SB 83



- ☐ Author: Senator Jane Nelson
- ☐ (R) Flowermound
- ☐ Chair: Health and Human Services Committee
- ☐ Member: Finance

SB 83

- ☐ Sponsor: Rep. Ryan Guillen
- ☐ (D) Laredo



HB 2066

- ☐ (B) the offense is committed by intentionally, knowingly, or recklessly impeding the normal breathing or circulation of the blood of the person by applying pressure to the person's throat or neck or by blocking the person's nose or mouth

HB 2066

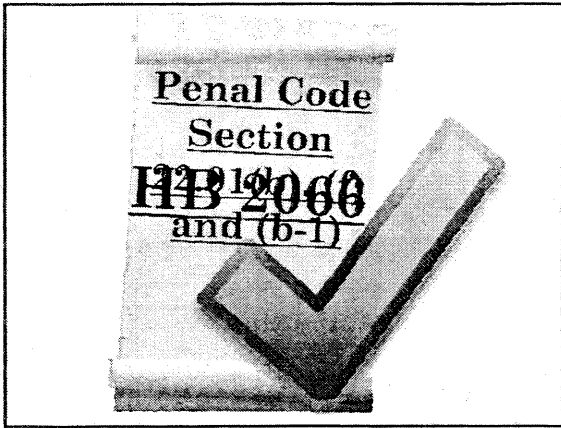
The Facts:

Only 40% of people who are placed in a hospital for ten days or more are discharged. The cause of this is that more than one who has not.

HB 2066



- ☐ Sponsor: Senator Jane Nelson
- ☐ (R) Flowermound
- ☐ Chair: Health and Human Services Committee
- ☐ Member: Finance



QUESTIONS

Concerns

Criticisms

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