

AN ACT

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

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

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

Art. 42.0373. MANDATORY RESTITUTION FOR CHILD WITNESS OF FAMILY VIOLENCE. (a) If after a conviction or a grant of deferred adjudication a court places a defendant on community supervision for an offense involving family violence, as defined by Section 71.004, Family Code, the court shall determine from the complaint, information, indictment, or other charging instrument, the presentence report, or other evidence before the court whether:

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

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

(b) If the court determines both issues described by Subsection (a) in the affirmative, the court shall order the defendant to pay restitution in an amount equal to the cost of

1 necessary rehabilitation, including medical, psychiatric, and  
2 psychological care and treatment, for a person described by  
3 Subsection (a)(1).

4 (c) The court shall, after considering the financial  
5 circumstances of the defendant, specify in a restitution order  
6 issued under Subsection (b) the manner in which the defendant must  
7 pay the restitution. The order must require restitution payments to  
8 be delivered in the manner described by Article 42.037(g)(4)(iii).

9 (d) A restitution order issued under Subsection (b) may be  
10 enforced by the state, or by a person or a parent or guardian of the  
11 person named in the order to receive the restitution, in the same  
12 manner as a judgment in a civil action.

13 (e) The court may hold a hearing, make findings of fact, and  
14 amend a restitution order issued under Subsection (b) if the  
15 defendant fails to pay the person named in the order in the manner  
16 specified by the court.

17 (f) A determination under this article may not be entered as  
18 an affirmative finding in the judgment for the offense for which the  
19 defendant was placed on community supervision.

20 SECTION 2. The changes in law made by this Act apply only to  
21 an offense committed on or after the effective date of this Act. An  
22 offense committed before the effective date of this Act is governed  
23 by the law in effect on the date the offense was committed, and the  
24 former law is continued in effect for that purpose. For purposes of  
25 this section, an offense was committed before the effective date of  
26 this Act if any element of the offense occurred before that date.

27 SECTION 3. This Act takes effect September 1, 2015.

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President of the Senate

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Speaker of the House

I certify that H.B. No. 2159 was passed by the House on May 15, 2015, by the following vote: Yeas 128, Nays 11, 2 present, not voting; and that the House concurred in Senate amendments to H.B. No. 2159 on May 27, 2015, by the following vote: Yeas 138, Nays 3, 2 present, not voting.

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Chief Clerk of the House

I certify that H.B. No. 2159 was passed by the Senate, with amendments, on May 25, 2015, by the following vote: Yeas 31, Nays 0.

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Secretary of the Senate

APPROVED: \_\_\_\_\_

Date

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Governor