

CHAPTER 165.

H.B. No. 119

AN ACT

relating to counseling as a condition of probation for a person who commits family violence.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Section 14, Article 42.12, Code of Criminal Procedure, is amended to read as follows:

Sec. 14. CHILD ABUSERS, [~~AND~~] SEX OFFENDERS, AND FAMILY VIOLENCE OFFENDERS; SPECIAL CONDITIONS. (a) If the court grants probation to a person

convicted of an offense described by Article 17.41(a) of this code, the court may require as a condition of probation that the defendant not directly communicate with the victim of the offense or go near a residence, school, or other location, as specifically described in the copy of terms and conditions, frequented by the victim. In imposing the condition, the court may grant the defendant supervised access to the victim. To the extent that a condition imposed under this subsection conflicts with an existing court order granting possession of or access to a child, the condition imposed under this subsection prevails for a period specified by the court granting probation, not to exceed 90 days.

(b) If the court grants probation to a person convicted of an offense under Section 21.11, 22.011, 22.021, or 22.04, Penal Code, the court may require the probationer to attend psychological counseling sessions at the direction of the probation officer and may require the probationer to pay all or a part of the reasonable and necessary costs incurred by the victim for psychological counseling made necessary by the offense, upon a finding that the probationer is financially able to make payment. Any payments ordered under this subsection may not extend past one year from the date of the order.

(c) *If the court grants probation to a person convicted of an offense involving family violence, as defined by Section 71.01, Family Code, the court may require the probationer to attend, at the direction of the probation officer, counseling sessions for the elimination of violent behavior with a licensed counselor, social worker, or other professional who has been trained in family violence intervention or to attend a battering intervention and prevention program. If the court requires the probationer to attend counseling or a program, the court shall require the probationer to begin attendance not later than the 60th day after the date the court grants probation, notify the probation officer of the name, address, and phone number of the counselor or program, and report the probationer's attendance to the probation officer. The court shall require the probationer to pay all the reasonable costs of the counseling sessions or attendance in the program on a finding that the probationer is financially able to make payment. If the court finds the probationer is unable to make payment, the court shall make the counseling sessions or enrollment in the program available without cost to the probationer. The court may also require the probationer to pay all or a part of the reasonable costs incurred by the victim for counseling made necessary by the offense, on a finding that the probationer is financially able to make payment. The court may order the probationer to make payments under this subsection for a period not to exceed one year after the date on which the order is entered.*

SECTION 2. (a) The change in law made by this Act applies only to an offense committed on or after the effective date of this Act. For the purpose of this section, an offense is committed before the effective date of this Act if any element of the offense occurs before the effective date.

(b) An offense committed before the effective date of this Act is covered by the law in effect when the offense was committed, and the former law is continued in effect for this purpose.

SECTION 3. This Act takes effect September 1, 1993.

SECTION 4. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

Passed by the House on March 16, 1993, by a non-record vote; passed by the Senate on May 7, 1993: Yeas 30, Nays 0.

Approved May 17, 1993.

Effective Sept. 1, 1993.