

SUBJECT: Contempt of court for violating peace bonds

COMMITTEE: Criminal Jurisprudence — favorable, without amendment

VOTE: 6 ayes — Place, Talton, Dunnam, Galloway, Hinojosa, Nixon
0 nays
3 absent — Farrar, Keel, A. Reyna

WITNESSES: For — Bill Freeman, John Williams and Patricia Ott, Justices of the Peace and Constables Association of Texas; Juan Jasso
Against — None

BACKGROUND : A magistrate may order a person who has made threats or committed violence against another person or property to take out a “peace bond,” a deposit or surety of money that can be forfeited if the the offender fails to “keep peace” toward the person threatened.

DIGEST: HB 1968 would allow magistrates to treat a violation of a peace bond as contempt of court. Such violations could be punished by forfeiture of the bond, imposition of a fine of up to \$100, and confinement in jail for up to three days, or both. The magistrate would have to advise the offender of potential punishments for violating the peace bond.

HB 1968 would take effect September 1, 1997, and apply to peace bonds entered into on or after that date.

SUPPORTERS SAY: HB 1968 would expand the penalties for violation of peace bonds and allow magistrates to properly punish peace bond violators. Under current law, the only penalty for violation is the possible forfeiture of the bond. With HB 1968, offenders would know that any violation could incur jail time in addition to increased monetary penalties. These additional penalties could deter offenders from committing violations.

HB 1968 also would give magistrates the option of providing immediate relief to the victim by incarcerating the offender. If the offender were

allowed a cooling-off period, further escalation of violence could be prevented. This is especially important since many peace bonds are required because of domestic violence. Forfeiture of bond may only enflame the offender in such circumstances and fuel more violence. HB 1968 would offer a more prudent approach of removing the offender entirely from the scene.

HB 1968 would be consistent with the authority already given to magistrates to hold an offender in contempt of court.

**OPPONENTS
SAY:**

Current laws adequately punish peace bond violators. Victims can file for a temporary restraining order or can call the police to arrest the offender. There is no reason to jail offenders for contempt instead of arresting them for the actual offense committed.

**OTHER
OPPONENTS
SAY:**

HB 1968 would be an unwise expansion of the authority of magistrates. Magistrates are primarily used for procedural court functions, such as arraigning prisoners and ordering peace bonds. The power to incarcerate offenders is purposefully reserved for use by higher level courts.