

ARTICLE X. PROTECTION OF CHILDREN EXPOSED TO UNJUSTIFIED VIOLENCE

Section 54-170. GENERAL PURPOSE OF ORDINANCE.

It is the purpose of this Ordinance to protect children whose health, safety, and welfare may be jeopardized through exposure to unjustified violence.

Section 54-171. DEFINITIONS.

For the purposes of this Article, the following words and phrases shall have the meanings respectively ascribed to them by this section:

- (1) Allow. Allow means to permit, enable, grant, or approve.
- (2) Child. Child means a person under 18 years of age who is not and has not been married or who has not had the disabilities of minority removed for general purposes.
- (3) Child Relation. Child Relation means a lineal descendant by blood or adoption, or a foster child, or a minor ward, of either the person described in Section 54-172(a) or their spouse, or the victim against whom the act of unjustified violence is commissioned or their spouse.
- (4) Household. Household means a unit composed of persons living together in the same dwelling, without regard to whether they are related to each other. Member of a household includes a person who previously lived in a household.
- (5) Intentionally. Intentionally means “Intentionally” as defined in Texas Penal Code § 6.03(a).
- (6) Knowingly. Knowingly means “Knowingly” as defined in Texas Penal Code § 6.03(b).
- (7) Recklessly. Recklessly means “Recklessly” as defined in Texas Penal Code § 6.03(c).
- (8) Unjustified Violence. “Unjustified Violence” means an act that is intended to result in physical harm, bodily injury, assault, or sexual assault or that is a threat that reasonably places an individual in fear of imminent physical harm, bodily injury, assault, or sexual assault, but does not include defensive measures to protect oneself.
- (9) Witness. Witness means in the presence such that the act may be seen or heard.

Section 54-172. VIOLATION AND DEFENSES.

- (a) It shall be unlawful for a person to intentionally, knowingly, or recklessly allow a child relation or a child of the person’s household to witness the commission of unjustified violence against another.

- (b) It is a defense to prosecution that the conduct of any alleged violation of this Section is justified under Chapter 9 of the Texas Penal Code.
- (c) It is an exception to prosecution that the person was the victim of the unjustified violence described in Subsection (a).

Section 54-173. PENALTIES.

- (a) Any person convicted of violating the provisions of Section 54-172(a) shall be guilty of a Class C misdemeanor and shall be punished by a fine not to exceed \$500.
- (b) This Section does not serve to limit any other remedies available to the jurisdiction in law or equity.
- (c) Each violation shall constitute a separate offense.

Section 54-174. HIGHER CHARGES.

- (a) Before the city attorney, deputy city attorney, assistant city attorney, or any other attorney authorized to represent the State of Texas in the Municipal Court of the City of Burleson files a complaint in the Municipal Court of the City of Burleson for a violation under Section 54-172 of this Code, the attorney shall make a good faith effort to ensure that any and all higher charges or potential higher charges arising from the same incident or event are rejected by the State's attorney prosecuting the higher charges or otherwise disposed of under law.
- (b) Any violator of subsection (a) may be punished by administrative means by the city manager or the city manager's designee, or, in the case of the city attorney, by City Council. A violation of subsection (a) is not subject to the penalties outlined in Sections 54-173 or 1-14 of this Code. The imposition of the penalty provided in this section is not a criminal conviction and may not be considered a conviction for any purpose.

Section 54-175. PROTOCOL FOR RESPONDING TO CHILDREN EXPOSED TO VIOLENCE.

- (a) The Chief of Police shall, within one hundred and eighty (180) days of the effective date of this ordinance, draft and issue for use by police officers in the department a protocol when responding on-scene to a child exposed to violence. When drafting the protocol, the Chief of Police shall consider, but is not required to include in the protocol, the following: (1) identifying and documenting any children in the home and their level of exposure to the incident; (2) speaking with children at eye level about what happened and what is going to happen next; (3) validating children's emotional responses; (4) assisting the protective parent with comforting the child; (5) assisting the protective parent understand any coordinated services available to the child; and (6) assisting the protective parent understand the impact of domestic violence on children.

(b) Any violator of subsection (a) may be punished by administrative means by the city manager or the city manager's designee. A violation of subsection (a) is not subject to the penalties outlined in Sections 54-173 or 1-14 of this Code. The imposition of the penalty provided in this section is not a criminal conviction and may not be considered a conviction for any purpose.