

By: Sherman, Sr.

H.B. No. 421

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the notice provided by peace officers to adult victims
3 of family violence.

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

5 SECTION 1. Article 5.04(c), Code of Criminal Procedure, is
6 amended to read as follows:

7 (c) A written notice required by Subsection (b) of this
8 article is sufficient if it is in substantially the following form
9 with the required information in English and in Spanish inserted in
10 the notice:

11 "It is a crime for any person to cause you any physical injury
12 or harm EVEN IF THAT PERSON IS A MEMBER OR FORMER MEMBER OF YOUR
13 FAMILY OR HOUSEHOLD.

14 "NOTICE TO ADULT VICTIMS OF FAMILY VIOLENCE

15 "Please tell the investigating peace officer:

16 "IF you, your child, or any other household resident has been
17 injured; or

18 "IF you feel you are going to be in danger when the officer
19 leaves or later.

20 "You have the right to:

21 "ASK the local prosecutor to file a criminal complaint
22 against the person committing family violence; and

23 "APPLY to a court for an order to protect you (you should
24 consult a legal aid office, a prosecuting attorney, or a private

1 attorney). If a family or household member assaults you and is
2 arrested, you may request that a magistrate's order for emergency
3 protection be issued. Please inform the investigating officer if
4 you want an order for emergency protection. You need not be present
5 when the order is issued. You cannot be charged a fee by a court in
6 connection with filing, serving, or entering a protective order.
7 For example, the court can enter an order that:

8 "(1) the abuser not commit further acts of violence;

9 "(2) the abuser not threaten, harass, or contact you at
10 home;

11 "(3) directs the abuser to leave your household; and

12 "(4) establishes temporary custody of the children and
13 directs the abuser not to interfere with the children or any
14 property.

15 "A VIOLATION OF CERTAIN PROVISIONS OF COURT-ORDERED
16 PROTECTION (such as (1) and (2) above) MAY BE A FELONY.

17 "If the family violence was committed by a household
18 resident, you may TERMINATE YOUR LEASE EARLY and vacate your
19 dwelling before the end of your lease term. You will avoid
20 liability for future rent and any other future sums that would have
21 been due under the lease if you first provide certain documents or
22 court orders to your landlord.

23 "If you are unable to RETRIEVE IMPORTANT ITEMS OF PERSONAL
24 PROPERTY from your residence or former residence because an
25 occupant has denied you access or the occupant is a danger to you,
26 you may apply to a justice court for a writ authorizing you to enter
27 the residence accompanied by a peace officer to retrieve those

1 items.

2 "You should consult a legal aid office, a prosecuting
3 attorney, or a private attorney if you need help obtaining the
4 proper document or court order to terminate a lease or to enter a
5 residence to get your important personal property.

6 "CALL THE FOLLOWING VIOLENCE SHELTERS OR SOCIAL
7 ORGANIZATIONS IF YOU NEED PROTECTION:

8 " _____

9 " _____."

10 SECTION 2. This Act takes effect September 1, 2021.