

By: Manuel, Davis, Collier, Ordaz,
Morales of Harris

H.B. No. 2092

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the period during which an order for emergency
3 protection remains in effect.

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

5 SECTION 1. Article 17.292(j), Code of Criminal Procedure,
6 is amended to read as follows:

7 (j) An order for emergency protection issued under this
8 article is effective on issuance, and the defendant shall be served
9 a copy of the order by the magistrate or the magistrate's designee
10 in person or electronically. The magistrate shall make a separate
11 record of the service in written or electronic format. An order for
12 emergency protection issued under Subsection (a) or (b)(1) of this
13 article remains in effect up to the 91st [~~61st~~] day but not less
14 than 61 [~~31~~] days after the date of issuance. An order for
15 emergency protection issued under Subsection (b)(2) of this article
16 remains in effect up to the 121st [~~91st~~] day but not less than 91
17 [~~61~~] days after the date of issuance. After notice to each affected
18 party and a hearing, the issuing court may modify all or part of an
19 order issued under this article if the court finds that:

- 20 (1) the order as originally issued is unworkable;
21 (2) the modification will not place the victim of the
22 offense at greater risk than did the original order; and
23 (3) the modification will not in any way endanger a
24 person protected under the order.

1 SECTION 2. The change in law made by this Act applies only
2 to an order for emergency protection issued on or after the
3 effective date of this Act. An order issued before that date is
4 governed by the law in effect on the date the order was issued, and
5 the former law is continued in effect for that purpose.

6 SECTION 3. This Act takes effect September 1, 2023.