

BILL ANALYSIS

S.B. 317
By: Hinojosa
Juvenile Justice & Family Issues
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Under current Texas law, a violation of a protective order has occurred if a person knowingly or intentionally: communicates directly with a protected individual in a threatening way; communicates a threat through any person to a protected individual or a member of the family or household; and communicates in any manner with the protected individual except through the person's attorney. In order for the protective order to be violated, the individual has to communicate with the protected person in all three ways. Thus, the statute is difficult to enforce and does not provide the intended level of protection to the protected individual. As proposed, S.B.317 changes Section 25.07(a)(2)(B), Penal Code, by replacing the word "and" with the word "or." The change will result in a violation of the protective order if the individual attempts to communicate with the protected person in any of the ways noted in the current statute.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 25.07(a), Penal Code, to provide that a person commits an offense, if the person knowingly or intentionally:

- communicates:

(A) directly with a protected individual or member of the family or household in a threatening or harassing manner;

(B) a threat through any person to a protected individual or a member of the family or household; or, rather than and,

(C) in any manner with the protected individual or a member of the family or household except through the person's attorney or a person appointed by the court, if the order prohibits any communication with a protected individual or a member of the family or household;

SECTION 2. (a) This Act takes effect on September 1, 2003.

(b) Makes application of this Act prospective.

EFFECTIVE DATE

September 1, 2003.

