

By: Hinojosa

S.B. No. 317

A BILL TO BE ENTITLED

AN ACT

relating to the prosecution of the offense of violation of a protective order or magistrate's order.

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

SECTION 1. Subsection (a), Section 25.07, Penal Code, is amended to read as follows:

(a) A person commits an offense if, in violation of an order issued under Section 6.504 or Chapter 85, Family Code, under Article 17.292, Code of Criminal Procedure, or by another jurisdiction as provided by Chapter 88, Family Code, the person knowingly or intentionally:

(1) commits family violence or an act in furtherance of an offense under Section 42.072;

(2) communicates:

(A) directly with a protected individual or a 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 ~~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;

1 (3) goes to or near any of the following places as
2 specifically described in the order:

3 (A) the residence or place of employment or
4 business of a protected individual or a member of the family or
5 household; or

6 (B) any child care facility, residence, or school
7 where a child protected by the order normally resides or attends; or

8 (4) possesses a firearm.

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

10 (b) The change in law made by this Act applies only to an
11 offense committed on or after the effective date of this Act. An
12 offense committed before the effective date of this Act is covered
13 by the law in effect when the offense was committed, and the former
14 law is continued in effect for that purpose. For purposes of this
15 subsection, an offense was committed before the effective date of
16 this Act if any element of the offense was committed before that
17 date.