

By: Hinojosa

S.B. No. 317

A BILL TO BE ENTITLED

1 AN ACT

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

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

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

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

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

14 (2) communicates:

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

18 (B) a threat through any person to a protected  
19 individual or a member of the family or household; or ~~and~~

20 (C) in any manner with the protected individual  
21 or a member of the family or household except through the person's  
22 attorney or a person appointed by the court, if the order prohibits  
23 any communication with a protected individual or a member of the  
24 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.