

1-1 By: Hinojosa S.B. No. 317
1-2 (In the Senate - Filed January 29, 2003; February 6, 2003,
1-3 read first time and referred to Committee on Criminal Justice;
1-4 March 10, 2003, reported favorably by the following vote: Yeas 4,
1-5 Nays 0; March 10, 2003, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to the prosecution of the offense of violation of a
1-9 protective order or magistrate's order.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Subsection (a), Section 25.07, Penal Code, is
1-12 amended to read as follows:

1-13 (a) A person commits an offense if, in violation of an order
1-14 issued under Section 6.504 or Chapter 85, Family Code, under
1-15 Article 17.292, Code of Criminal Procedure, or by another
1-16 jurisdiction as provided by Chapter 88, Family Code, the person
1-17 knowingly or intentionally:

1-18 (1) commits family violence or an act in furtherance
1-19 of an offense under Section 42.072;

1-20 (2) communicates:

1-21 (A) directly with a protected individual or a
1-22 member of the family or household in a threatening or harassing
1-23 manner;

1-24 (B) a threat through any person to a protected
1-25 individual or a member of the family or household; or ~~and~~

1-26 (C) in any manner with the protected individual
1-27 or a member of the family or household except through the person's
1-28 attorney or a person appointed by the court, if the order prohibits
1-29 any communication with a protected individual or a member of the
1-30 family or household;

1-31 (3) goes to or near any of the following places as
1-32 specifically described in the order:

1-33 (A) the residence or place of employment or
1-34 business of a protected individual or a member of the family or
1-35 household; or

1-36 (B) any child care facility, residence, or school
1-37 where a child protected by the order normally resides or attends; or

1-38 (4) possesses a firearm.

1-39 SECTION 2. (a) This Act takes effect September 1, 2003.

1-40 (b) The change in law made by this Act applies only to an
1-41 offense committed on or after the effective date of this Act. An
1-42 offense committed before the effective date of this Act is covered
1-43 by the law in effect when the offense was committed, and the former
1-44 law is continued in effect for that purpose. For purposes of this
1-45 subsection, an offense was committed before the effective date of
1-46 this Act if any element of the offense was committed before that
1-47 date.

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