

BILL ANALYSIS

Senate Research Center
79R10212 JMM-D

H.B. 1059
By: Naishtat (Wentworth)
Jurisprudence
5/4/2005
Engrossed

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

Currently, at the close of a hearing for a protective order, the court is required to find whether family violence has occurred and whether family violence is likely to occur in the future. Since agreed protective orders do not include a hearing, some judges may not render a finding. There are situations in which law enforcement has been hesitant to enforce protective orders that did not include findings of family violence, leaving the victim vulnerable to harm.

H.B. 1059 clarifies that agreed protective orders are enforceable civilly or criminally.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 85.005(b), Family Code, to provide that the agreed [protective order] is enforceable civilly or criminally.

SECTION 2. Effective date: upon passage or September 1, 2005.