

## **BILL ANALYSIS**

C.S.H.B. 1059  
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Juvenile Justice & Family Issues  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Under current law, at the close of a hearing for a protective order, the court shall 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.

C.S.H.B.1059 would clarify that agreed protective orders are enforceable civilly or criminally.

### **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.

### **ANALYSIS**

**SECTION 1.** Amends Section 85.005(b) by providing that agreed protective orders are enforceable civilly or criminally.

**SECTION 2.** This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2005.

### **EFFECTIVE DATE**

September 1, 2005.

### **COMPARISON OF ORIGINAL TO SUBSTITUTE**

C.S.H.B.1059 modifies the original H.B.1059 by amending the Family Code, Section 85.005(b) to clarify that an agreed protective order is enforceable civilly or criminally. Additionally, C.S.H.B. 1059 would achieve the same goal of ensuring that if a protective order against family violence is issued, the victim can be assured that the order would be enforced, even if the protective order is an agreed protective order.