

## **BILL ANALYSIS**

S.B. 1275  
By: Jackson, Mike  
Criminal Jurisprudence  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Under current Texas Law, a court order can be issued to protect victims of family violence. Many victims are unaware that these court orders exist. However, the existing Family Code would be amended by this Act so that the court would be required to inform a victim of his or her right to a protective order. It also increases the order's duration when a deadly weapon is involved. It will increase the time covered by a protective order from no less than the 61<sup>st</sup> day to no more than the 91<sup>st</sup> day after the date of issuance if a weapon was involved in the assault.

### **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 Article 17.292(j), Code of Criminal Procedure, by extending a protective order to 91 days if the assault involves use or exhibition of a deadly weapon. A protective order for an assault without a deadly weapon would remain in effect for up to the 61<sup>st</sup> day but not less than 31 days after the date of issuance.

After notice to each affected party and a hearing, the issuing court may modify all parts of an order issued under this article if the court finds that:

- 1) the order as originally issued is unworkable;
- 2) the modification will not place the victim of the offense at greater risk than did the original order; and
- 3) the modification will not in any way endanger a person protected under the order.

SECTION 2. Amends Subchapter E, Chapter 6 of Family Code by adding Section 6.404, to require the court to inform a person involved in a suit for dissolution of a marriage of the person's right to apply for a protective order under Title 4, if it believes, based on any information received by the court, that a party to the suit or a member of the party's family or household may be a victim of family violence.

SECTION 3. Amends Chapter 105, Family Code, by adding Section 105.0011 to require the court to inform a person involved in a suit of the person's right to apply for a protective order under Title 4, if it believes, based on any information received by the court, that a party to the suit or a member of the party's family or household may be a victim of family violence.

SECTION 4. This Act applies only to an order for emergency protection rendered on or after the effective date of this Act. An order rendered before the effective date of this Act is governed by the law in effect on the date the order was rendered, and the former law is continued in effect for that purpose.

### **EFFECTIVE DATE**

Immediately if it receives the required two-thirds vote. September 1, 2005, if it does not receive the vote for immediate effect.