

By: Naishtat

H.B. No. 1059

A BILL TO BE ENTITLED

AN ACT

1
2 relating to certain findings required for the issuance of a
3 protective order against family violence.

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

5 SECTION 1. Section 85.001(a), Family Code, is amended to
6 read as follows:

7 (a) Before a court may render [~~At the close of a hearing on~~
8 ~~an application for~~] a protective order, including an agreed
9 protective order under Section 85.005, the court shall find
10 whether:

11 (1) family violence has occurred; and

12 (2) family violence is likely to occur in the future.

13 SECTION 2. Section 85.001(a), Family Code, as amended by
14 this Act, applies only to a protective order for which an
15 application was filed on or after the effective date of this Act. A
16 protective order for which an application was filed before the
17 effective date of this Act is governed by the law in effect on the
18 date the application was filed, and the former law is continued in
19 effect for that purpose.

20 SECTION 3. This Act takes effect immediately if it receives
21 a vote of two-thirds of all the members elected to each house, as
22 provided by Section 39, Article III, Texas Constitution. If this
23 Act does not receive the vote necessary for immediate effect, this
24 Act takes effect September 1, 2005.