

By: Davis of Harris

H.B. No. 2911

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the issuance of certain court orders to protect victims
3 of family violence.

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

5 SECTION 1. Article 17.292(j), Code of Criminal Procedure,
6 is amended to read as follows:

7 (j) An order for emergency protection issued under this
8 article is effective on issuance, and the defendant shall be served
9 a copy of the order in open court. An order for emergency
10 protection issued under Subsection (a) or (b)(1) of this article
11 remains in effect up to the 61st day but not less than 31 days after
12 the date of issuance. An order for emergency protection issued
13 under Subsection (b)(2) of this article remains in effect up to the
14 91st day but not less than 61 days after the date of issuance. After
15 notice to each affected party and a hearing, the issuing court may
16 modify all or part of an order issued under this article if the
17 court finds that:

18 (1) the order as originally issued is unworkable;

19 (2) the modification will not place the victim of the
20 offense at greater risk than did the original order; and

21 (3) the modification will not in any way endanger a
22 person protected under the order.

23 SECTION 2. Subchapter E, Chapter 6, Family Code, is amended
24 by adding Section 6.404 to read as follows:

1 Sec. 6.404. INFORMATION REGARDING PROTECTIVE ORDERS. At
2 any time while a suit for dissolution of a marriage is pending, if
3 the court believes, on the basis of any information received by the
4 court, that a party to the suit or a member of the party's family or
5 household may be a victim of family violence, the court shall inform
6 that party of the party's right to apply for a protective order
7 under Title 4.

8 SECTION 3. Chapter 105, Family Code, is amended by adding
9 Section 105.0011 to read as follows:

10 Sec. 105.0011. INFORMATION REGARDING PROTECTIVE ORDERS. At
11 any time while a suit is pending, if the court believes, on the
12 basis of any information received by the court, that a party to the
13 suit or a member of the party's family or household may be a victim
14 of family violence, the court shall inform that party of the party's
15 right to apply for a protective order under Title 4.

16 SECTION 4. Article 17.292(j), Code of Criminal Procedure,
17 as amended by this Act, applies only to an order for emergency
18 protection rendered on or after the effective date of this Act. An
19 order rendered before the effective date of this Act is governed by
20 the law in effect on the date the order was rendered, and the former
21 law is continued in effect for that purpose.

22 SECTION 5. This Act takes effect immediately if it receives
23 a vote of two-thirds of all the members elected to each house, as
24 provided by Section 39, Article III, Texas Constitution. If this
25 Act does not receive the vote necessary for immediate effect, this
26 Act takes effect September 1, 2005.