

By: Jackson S.B. No. 1275
(In the Senate - Filed March 9, 2005; March 21, 2005, read first time and referred to Committee on Jurisprudence; April 22, 2005, reported favorably by the following vote: Yeas 5, Nays 0; April 22, 2005, sent to printer.)

A BILL TO BE ENTITLED
AN ACT

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

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

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

(j) An order for emergency protection issued under this article is effective on issuance, and the defendant shall be served a copy of the order in open court. An order for emergency protection issued under Subsection (a) or (b)(1) of this article remains in effect up to the 61st day but not less than 31 days after the date of issuance. An order for emergency protection issued under Subsection (b)(2) of this article remains in effect up to the 91st day but not less than 61 days after the date of issuance. After notice to each affected party and a hearing, the issuing court may modify all or part 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. Subchapter E, Chapter 6, Family Code, is amended by adding Section 6.404 to read as follows:

Sec. 6.404. INFORMATION REGARDING PROTECTIVE ORDERS. At any time while a suit for dissolution of a marriage is pending, if the court believes, on the basis of 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, the court shall inform that party of the party's right to apply for a protective order under Title 4.

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

Sec. 105.0011. INFORMATION REGARDING PROTECTIVE ORDERS. At any time while a suit is pending, if the court believes, on the basis of 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, the court shall inform that party of the party's right to apply for a protective order under Title 4.

SECTION 4. Subsection (j), Article 17.292, Code of Criminal Procedure, as amended by 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.

SECTION 5. 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.

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