

## **BILL ANALYSIS**

H.B. 95  
By: Martinez, "Mando"  
Criminal Jurisprudence  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Under current law, a person commits an offense whenever they violate the terms of a judgment or order as it relates to child custody issues. Some law enforcement officials do not enforce or arrest individuals who violate temporary child custody orders because they believe that current law does not apply to temporary child custody orders.

The purpose of H.B. 95 is to clarify any confusion that may exist with law enforcement officials by explicitly stating that temporary child custody orders should be enforced just as permanent child custody orders are enforced.

### **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**

House Bill 95 amends Section 25.03(a) of the Penal Code by including a temporary order as a type of order which, if violated, constitutes an offense under this section. The bill also clarifies that in Section 25.031(a) of the Penal Code, a court order includes a temporary order. Makes application of this Act prospective.

### **EFFECTIVE DATE**

September 1, 2007.