

BILL ANALYSIS

C.S.H.B. 1988
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Juvenile Justice & Family Issues
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Under current Texas law, a protective order has a duration period of up to two years. However, certain crimes such as sexual assault and aggravated sexual assault are so egregious that a victim should not be required to relive their life long nightmare every two years to keep their offender away.

C.S.H.B.1988 allows a victim of sexual assault or aggravated sexual assault crimes to obtain a lifetime protective order against their offender.

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 7A.01(a) of the Code of Criminal Procedure to provide that a person who is the victim of an offense under Section 22.011 or 22.021 of the Penal Code, a parent or guardian acting on behalf of a person younger than 17 years of age who is the victim of such an offense, or a prosecuting attorney acting on behalf of the victim, may file an application for a protective order under this chapter without regard to the relationship between the victim and the alleged offender.

SECTION 2. Chapter 7A, Code of Criminal Procedure, is amended by adding Article 7A.07 to provide that a protective order issued under Article 7A.03 is effective for the duration of the lives of the offender and victim, or for any shorter period stated in the order. If a period is not stated in the order, the order is effective until the second anniversary of the date the order was issued. Section 85.025 of the Family Code does not apply to the protective order. A victim who is 17 years of age or older or a parent or guardian acting on behalf of a victim who is younger than 17 years of age may file at any time an application with the court to rescind the protective order. If a person who is the subject of a protective order is confined or imprisoned on the date the protective order is due to expire, the period for which the order is effective is extended, and the order expires on the first anniversary of the date the person is released from confinement or imprisonment.

SECTION 3. Provides that the change in law made by this Act applies to a protective order issued on or after the effective date of this Act on the basis of an offense committed before, on, or after the effective date of this Act. A protective order issued before the effective date of this Act is governed by the law in effect on the date the protective order was issued.

SECTION 4. This Act takes effect September 1, 2007.

EFFECTIVE DATE

September 1, 2007

C.S.H.B. 1988 80(R)

COMPARISON OF ORIGINAL TO SUBSTITUTE

C.S.H.B.1988 modifies the original H.B.1988 by providing that if a person who is subject to a protective order is in prison or confined on the date the protective order is due to expire, the protective order is automatically extended up to one year from the date the person is released from prison or confinement. Lastly, C.S.H.B.1988 applies to a protective order issued on or after the effective date of this Act on the basis of an offense committed before, on, or after the effective date of this Act.