

BILL ANALYSIS

Senate Research Center

S.B. 584
By: Carona
Criminal Justice
5/24/2007
Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Current law authorizes a magistrate to issue an order for emergency protection to a victim of family violence or stalking. A victim of sexual assault is not eligible for such an order. However, the days immediately following the arrest of a sexual offender are particularly dangerous for the victim and an emergency protective order would provide critical and immediate protection for the victim while the victim seeks to obtain a more formal temporary ex parte or standard protective order.

S.B. 584 authorizes a magistrate to issue an emergency protective order to a victim of sexual assault.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Article 17.292(a), Code of Criminal Procedure, to authorize a magistrate to issue an order for emergency protection against a defendant accused of an offense under Section 22.011 (Sexual Assault) or 22.021 (Aggravated Sexual Assault), Penal Code, in addition to other offenses.

SECTION 2. Amends Section 25.07(a), Penal Code, to provide that a person commits an offense if, in violation of an issued protective order, the person knowingly or intentionally commits family violence or an act of sexual assault under Section 22.011 or 22.021, Penal Code.

SECTION 3. Makes application of this Act prospective.

SECTION 4. Effective date: upon passage or September 1, 2007.