

BILL ANALYSIS

S.B. 584
By: Carona
Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Current law authorizes a magistrate to issue an order for emergency protection for 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.

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

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

S.B. 584 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.

The bill amends Section 25.07(a), Penal Code, to provide that a person commits an offense if, in violation of certain issued protective orders, the person knowingly or intentionally commits family violence or an act in furtherance of an offense under Section 22.011 or 22.021, Penal Code, in addition to an offense under 42.072, Penal Code.

The bill makes application of this Act prospective.

EFFECTIVE DATE

Upon passage, or, if the Act does not receive the necessary vote, the Act takes effect September 1, 2007.