

By: Pena

H.B. No. 1907

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the issuance or violation of an order for emergency
3 protection on the basis of the offense of sexual assault or
4 aggravated sexual assault.

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

6 SECTION 1. Article 17.292(a), Code of Criminal Procedure,
7 is amended to read as follows:

8 (a) At a defendant's appearance before a magistrate after
9 arrest for an offense involving family violence or an offense under
10 Section 22.011, 22.021, or 42.072, Penal Code, the magistrate may
11 issue an order for emergency protection on the magistrate's own
12 motion or on the request of:

- 13 (1) the victim of the offense;
14 (2) the guardian of the victim;
15 (3) a peace officer; or
16 (4) the attorney representing the state.

17 SECTION 2. Section 25.07(a), Penal Code, is amended to read
18 as follows:

19 (a) A person commits an offense if, in violation of an order
20 issued under Section 6.504 or Chapter 85, Family Code, under
21 Article 17.292, Code of Criminal Procedure, or by another
22 jurisdiction as provided by Chapter 88, Family Code, the person
23 knowingly or intentionally:

- 24 (1) commits family violence or an act in furtherance

1 of an offense under Section 22.011, 22.021, or 42.072;

2 (2) communicates:

3 (A) directly with a protected individual or a
4 member of the family or household in a threatening or harassing
5 manner;

6 (B) a threat through any person to a protected
7 individual or a member of the family or household; or

8 (C) in any manner with the protected individual
9 or a member of the family or household except through the person's
10 attorney or a person appointed by the court, if the order prohibits
11 any communication with a protected individual or a member of the
12 family or household;

13 (3) goes to or near any of the following places as
14 specifically described in the order:

15 (A) the residence or place of employment or
16 business of a protected individual or a member of the family or
17 household; or

18 (B) any child care facility, residence, or school
19 where a child protected by the order normally resides or attends; or

20 (4) possesses a firearm.

21 SECTION 3. The change in law made by this Act applies only
22 to a defendant arrested on or after the effective date of this Act.
23 A defendant arrested before the effective date of this Act is
24 covered by the law in effect on the date the defendant was arrested,
25 and the former law is continued in effect for that purpose.

26 SECTION 4. This Act takes effect immediately if it receives
27 a vote of two-thirds of all the members elected to each house, as

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1 provided by Section 39, Article III, Texas Constitution. If this
2 Act does not receive the vote necessary for immediate effect, this
3 Act takes effect September 1, 2007.