

AN ACT

relating to the issuance of a protective order for a victim of the offense of sexual assault, aggravated sexual assault, or indecency with a child.

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

SECTION 1. Article 7A.01(a), Code of Criminal Procedure, is amended to read as follows:

(a) A person who is the victim of an offense under Section 21.11, 22.011, or 22.021, 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 person~~[-]~~ may file an application for a protective order under this chapter without regard to the relationship between the applicant and the alleged offender.

SECTION 2. Article 7A.03, Code of Criminal Procedure, is amended to read as follows:

Art. 7A.03. REQUIRED FINDINGS; ISSUANCE OF PROTECTIVE ORDER. (a) At the close of a hearing on an application for a protective order under this chapter, the court shall find whether there are reasonable grounds to believe that the applicant is~~[-]~~

~~[-1-]~~ the victim of a sexual assault~~[-]~~ and:

(1) is younger than 18 years of age; or

(2) regardless of age, is the subject of a threat that reasonably places the applicant in fear of further harm from the

1 alleged offender.

2 (b) If the court finds reasonable grounds to believe that
3 the applicant is the victim of a sexual assault and is younger than
4 18 years of age, or regardless of age, the subject of a threat that
5 reasonably places the applicant in fear of further harm from the
6 alleged offender, the court shall issue a protective order that
7 includes a statement of the required findings.

8 SECTION 3. Chapter 7A, Code of Criminal Procedure, is
9 amended by adding Article 7A.07 to read as follows:

10 Art. 7A.07. DURATION OF PROTECTIVE ORDER. (a) A protective
11 order issued under Article 7A.03 may be effective for the duration
12 of the lives of the offender and victim as provided by Subsection
13 (b), or for any shorter period stated in the order. If a period is
14 not stated in the order, the order is effective until the second
15 anniversary of the date the order was issued.

16 (b) A protective order issued under Article 7A.03 may be
17 effective for the duration of the lives of the offender and victim
18 only if the court finds reasonable cause to believe that the victim
19 is the subject of a threat that reasonably places the victim in fear
20 of further harm from the alleged offender.

21 (c) A victim who is 17 years of age or older or a parent or
22 guardian acting on behalf of a victim who is younger than 17 years
23 of age may file at any time an application with the court to rescind
24 the protective order.

25 (d) If a person who is the subject of a protective order
26 issued under Article 7A.03 is confined or imprisoned on the date the
27 protective order is due to expire under Subsection (a), the period

1 for which the order is effective is extended, and the order expires
2 on the first anniversary of the date the person is released from
3 confinement or imprisonment.

4 (e) To the extent of any conflict with Section 85.025,
5 Family Code, this article prevails.

6 SECTION 4. The change in law made by this Act applies to a
7 protective order issued on or after the effective date of this Act
8 on the basis of an offense committed before, on, or after the
9 effective date of this Act. A protective order issued before the
10 effective date of this Act is governed by the law in effect on the
11 date the protective order was issued, and the former law is
12 continued in effect for that purpose.

13 SECTION 5. This Act takes effect September 1, 2007.

President of the Senate

Speaker of the House

I certify that H.B. No. 1988 was passed by the House on May 1, 2007, by the following vote: Yeas 144, Nays 0, 1 present, not voting; and that the House concurred in Senate amendments to H.B. No. 1988 on May 25, 2007, by the following vote: Yeas 142, Nays 0, 2 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 1988 was passed by the Senate, with amendments, on May 23, 2007, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor