By: Martinez   H.B. No. 1988

Substitute the following for H.B. No. 1988:

By: Dutton   C.S.H.B. No. 1988

A BILL TO BE ENTITLED

1   AN ACT

2   relating to the issuance of a protective order for a victim of the

3   offense of sexual assault or aggravated sexual assault.

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

5   SECTION 1. Article 7A.01(a), Code of Criminal Procedure, is

6   amended to read as follows:

7   (a) A person who is the victim of an offense under Section

8   22.011 or 22.021, Penal Code, a parent or guardian acting on behalf

9   of a person younger than 17 years of age who is the victim of such an

10   offense, or a prosecuting attorney acting on behalf of the victim

11   [person], may file an application for a protective order under this

12   chapter without regard to the relationship between the victim

13   [applicant] and the alleged offender.

14   SECTION 2. Chapter 7A, Code of Criminal Procedure, is

15   amended by adding Article 7A.07 to read as follows:

16   Art. 7A.07. DURATION OF PROTECTIVE ORDER. (a) A protective

17   order issued under Article 7A.03 is effective for the duration of

18   the lives of the offender and victim, or for any shorter period

19   stated in the order. If a period is not stated in the order, the

20   order is effective until the second anniversary of the date the

21   order was issued.

22   (b) Section 85.025, Family Code, does not apply to the

23   protective order.

24   (c) A victim who is 17 years of age or older or a parent or

1   guardian acting on behalf of a victim who is younger than 17 years

2   of age may file at any time an application with the court to rescind

3   the protective order.

4   (d) If a person who is the subject of a protective order

5   issued under Article 7A.03 is confined or imprisoned on the date the

6   protective order is due to expire under Subsection (a), the period

7   for which the order is effective is extended, and the order expires

8   on the first anniversary of the date the person is released from

9   confinement or imprisonment.

10   SECTION 3. The change in law made by this Act applies to a

11   protective order issued on or after the effective date of this Act

12   on the basis of an offense committed before, on, or after the

13   effective date of this Act. A protective order issued before the

14   effective date of this Act is governed by the law in effect on the

15   date the protective order was issued, and the former law is

16   continued in effect for that purpose.

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