

By: Martinez

H.B. No. 1988

A BILL TO BE ENTITLED

AN ACT

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

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 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 victim ~~[person]~~, may file an application for a protective order under this chapter without regard to the relationship between the victim ~~[applicant]~~ and the alleged offender.

SECTION 2. Chapter 7A, Code of Criminal Procedure, is amended by adding Article 7A.07 to read as follows:

Art. 7A.07. DURATION OF PROTECTIVE ORDER. (a) A protective order issued under Article 7A.03 is effective for the duration of the lives of the offender and victim, or for any shorter period stated in the order. If a period is not stated in the order, the order is effective until the second anniversary of the date the order was issued.

(b) Section 85.025, Family Code, does not apply to the protective order.

(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, beginning on that day the period
7 for which the order is effective is extended for a period equal to
8 the person's term of confinement or imprisonment, subject to any
9 expiration of the order as described by Subsection (a).

10 SECTION 3. The change in law made by this Act applies only
11 to an offense committed on or after the effective date of this Act.
12 An offense committed before the effective date of this Act is
13 governed by the law in effect when the offense was committed, and
14 the former law is continued in effect for that purpose. For
15 purposes of this section, an offense was committed before the
16 effective date of this Act if any element of the offense was
17 committed before that date.

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