

1-1 By: Martinez (Senate Sponsor - Hinojosa) H.B. No. 1988  
1-2 (In the Senate - Received from the House May 1, 2007;  
1-3 May 2, 2007, read first time and referred to Committee on Criminal  
1-4 Justice; May 19, 2007, reported adversely, with favorable  
1-5 Committee Substitute by the following vote: Yeas 5, Nays 0;  
1-6 May 19, 2007, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR H.B. No. 1988 By: Hinojosa

1-8 A BILL TO BE ENTITLED  
1-9 AN ACT

1-10 relating to the issuance of a protective order for a victim of the  
1-11 offense of sexual assault, aggravated sexual assault, or indecency  
1-12 with a child.

1-13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-14 SECTION 1. Article 7A.01(a), Code of Criminal Procedure, is  
1-15 amended to read as follows:

1-16 (a) A person who is the victim of an offense under Section  
1-17 21.11, 22.011, or 22.021, Penal Code, a parent or guardian acting on  
1-18 behalf of a person younger than 17 years of age who is the victim of  
1-19 such an offense, or a prosecuting attorney acting on behalf of the  
1-20 person[~~r~~] may file an application for a protective order under this  
1-21 chapter without regard to the relationship between the applicant  
1-22 and the alleged offender.

1-23 SECTION 2. Article 7A.03, Code of Criminal Procedure, is  
1-24 amended to read as follows:

1-25 Art. 7A.03. REQUIRED FINDINGS; ISSUANCE OF PROTECTIVE  
1-26 ORDER. (a) At the close of a hearing on an application for a  
1-27 protective order under this chapter, the court shall find whether  
1-28 there are reasonable grounds to believe that the applicant is[~~r~~

1-29 [~~(1)~~] the victim of a sexual assault[~~r~~] and:

1-30 (1) is younger than 18 years of age; or

1-31 (2) regardless of age, is the subject of a threat that  
1-32 reasonably places the applicant in fear of further harm from the  
1-33 alleged offender.

1-34 (b) If the court finds reasonable grounds to believe that  
1-35 the applicant is the victim of a sexual assault and is younger than  
1-36 18 years of age, or regardless of age, the subject of a threat that  
1-37 reasonably places the applicant in fear of further harm from the  
1-38 alleged offender, the court shall issue a protective order that  
1-39 includes a statement of the required findings.

1-40 SECTION 3. Chapter 7A, Code of Criminal Procedure, is  
1-41 amended by adding Article 7A.07 to read as follows:

1-42 Art. 7A.07. DURATION OF PROTECTIVE ORDER. (a) A protective  
1-43 order issued under Article 7A.03 may be effective for the duration  
1-44 of the lives of the offender and victim as provided by Subsection  
1-45 (b), or for any shorter period stated in the order. If a period is  
1-46 not stated in the order, the order is effective until the second  
1-47 anniversary of the date the order was issued.

1-48 (b) A protective order issued under Article 7A.03 may be  
1-49 effective for the duration of the lives of the offender and victim  
1-50 only if the court finds reasonable cause to believe that the victim  
1-51 is the subject of a threat that reasonably places the victim in fear  
1-52 of further harm from the alleged offender.

1-53 (c) A victim who is 17 years of age or older or a parent or  
1-54 guardian acting on behalf of a victim who is younger than 17 years  
1-55 of age may file at any time an application with the court to rescind  
1-56 the protective order.

1-57 (d) If a person who is the subject of a protective order  
1-58 issued under Article 7A.03 is confined or imprisoned on the date the  
1-59 protective order is due to expire under Subsection (a), the period  
1-60 for which the order is effective is extended, and the order expires  
1-61 on the first anniversary of the date the person is released from  
1-62 confinement or imprisonment.

1-63 (e) To the extent of any conflict with Section 85.025,

2-1 Family Code, this article prevails.

2-2 SECTION 4. The change in law made by this Act applies to a  
2-3 protective order issued on or after the effective date of this Act  
2-4 on the basis of an offense committed before, on, or after the  
2-5 effective date of this Act. A protective order issued before the  
2-6 effective date of this Act is governed by the law in effect on the  
2-7 date the protective order was issued, and the former law is  
2-8 continued in effect for that purpose.

2-9 SECTION 5. This Act takes effect September 1, 2007.

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