

1-1 By: Carona S.B. No. 584
1-2 (In the Senate - Filed February 12, 2007; February 26, 2007,
1-3 read first time and referred to Committee on Criminal Justice;
1-4 April 2, 2007, reported favorably by the following vote: Yeas 6,
1-5 Nays 0; April 2, 2007, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to the issuance or violation of an order for emergency
1-9 protection on the basis of the offense of sexual assault or
1-10 aggravated sexual assault.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. Subsection (a), Article 17.292, Code of Criminal
1-13 Procedure, is amended to read as follows:

1-14 (a) At a defendant's appearance before a magistrate after
1-15 arrest for an offense involving family violence or an offense under
1-16 Section 22.011, 22.021, or 42.072, Penal Code, the magistrate may
1-17 issue an order for emergency protection on the magistrate's own
1-18 motion or on the request of:

- 1-19 (1) the victim of the offense;
- 1-20 (2) the guardian of the victim;
- 1-21 (3) a peace officer; or
- 1-22 (4) the attorney representing the state.

1-23 SECTION 2. Subsection (a), Section 25.07, Penal Code, is
1-24 amended to read as follows:

1-25 (a) A person commits an offense if, in violation of an order
1-26 issued under Section 6.504 or Chapter 85, Family Code, under
1-27 Article 17.292, Code of Criminal Procedure, or by another
1-28 jurisdiction as provided by Chapter 88, Family Code, the person
1-29 knowingly or intentionally:

- 1-30 (1) commits family violence or an act in furtherance
1-31 of an offense under Section 22.011, 22.021, or 42.072;
- 1-32 (2) communicates:

1-33 (A) directly with a protected individual or a
1-34 member of the family or household in a threatening or harassing
1-35 manner;

1-36 (B) a threat through any person to a protected
1-37 individual or a member of the family or household; or

1-38 (C) in any manner with the protected individual
1-39 or a member of the family or household except through the person's
1-40 attorney or a person appointed by the court, if the order prohibits
1-41 any communication with a protected individual or a member of the
1-42 family or household;

1-43 (3) goes to or near any of the following places as
1-44 specifically described in the order:

1-45 (A) the residence or place of employment or
1-46 business of a protected individual or a member of the family or
1-47 household; or

1-48 (B) any child care facility, residence, or school
1-49 where a child protected by the order normally resides or attends; or

1-50 (4) possesses a firearm.

1-51 SECTION 3. The change in law made by this Act applies only
1-52 to a defendant arrested on or after the effective date of this Act.
1-53 A defendant arrested before the effective date of this Act is
1-54 covered by the law in effect on the date the defendant was arrested,
1-55 and the former law is continued in effect for that purpose.

1-56 SECTION 4. This Act takes effect immediately if it receives
1-57 a vote of two-thirds of all the members elected to each house, as
1-58 provided by Section 39, Article III, Texas Constitution. If this
1-59 Act does not receive the vote necessary for immediate effect, this
1-60 Act takes effect September 1, 2007.

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