

1-1 By: Hegar, Seliger, Ellis S.B. No. 789  
1-2 (In the Senate - Filed February 21, 2007; March 6, 2007,  
1-3 read first time and referred to Committee on Criminal Justice;  
1-4 April 20, 2007, reported adversely, with favorable Committee  
1-5 Substitute by the following vote: Yeas 6, Nays 0; April 20, 2007,  
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 789 By: Hegar

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

1-10 relating to findings required for the issuance of a protective  
1-11 order for a victim of sexual assault.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Article 7A.03, Code of Criminal Procedure, is  
1-14 amended to read as follows:

1-15 Art. 7A.03. REQUIRED FINDINGS; ISSUANCE OF PROTECTIVE  
1-16 ORDER. (a) At the close of a hearing on an application for a  
1-17 protective order under this chapter, the court shall find whether  
1-18 there are reasonable grounds to believe that the applicant is[÷

1-19 [~~(1)~~] the victim of a sexual assault[+] and:

1-20 (1) is younger than 18 years of age and possesses a  
1-21 reasonable fear of further harm from the alleged offender; or

1-22 (2) regardless of age, is the subject of a threat that  
1-23 reasonably places the applicant in fear of further harm from the  
1-24 alleged offender.

1-25 (b) If the court finds reasonable grounds to believe that  
1-26 the applicant is the victim of a sexual assault and is younger than  
1-27 18 years of age and possesses a reasonable fear of further harm from  
1-28 the alleged offender, or regardless of age, the subject of a threat  
1-29 that reasonably places the applicant in fear of further harm from  
1-30 the alleged offender, the court shall issue a protective order that  
1-31 includes a statement of the required findings.

1-32 SECTION 2. This Act takes effect immediately if it receives  
1-33 a vote of two-thirds of all the members elected to each house, as  
1-34 provided by Section 39, Article III, Texas Constitution. If this  
1-35 Act does not receive the vote necessary for immediate effect, this  
1-36 Act takes effect September 1, 2007.

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