

House Bill 1988
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

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 21.11, 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. Article 7A.03, Code of Criminal Procedure, is amended to read as follows:

Art. 7A.03. **REQUIRED FINDINGS; ISSUANCE OF PROTECTIVE ORDER.** (a) At the close of a hearing on an application for a protective order under this chapter, the court shall find whether there are reasonable grounds to believe that the applicant is[; ~~(1)~~] the victim of a sexual assault[;] and:
(1) is younger than 18 years of age; or
(2) regardless of age, is the subject of a threat that reasonably places the applicant in fear of further harm from the alleged offender.
(b) If the court finds reasonable grounds to believe that the applicant is the victim of a sexual assault and is younger than 18 years of age, or regardless of age, the subject of a threat that reasonably places the applicant in fear of further harm from the alleged offender, the court shall issue a protective order that includes a statement of

SENATE VERSION

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

Same as House version.

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the required findings.

SECTION 3. 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 guardian acting on behalf of a victim who is younger than 17 years of age may file at any time an application with the court to rescind the protective order.

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

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SECTION 3. 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 may be effective for the duration of the lives of the offender and victim as provided by Subsection (b), 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) A protective order issued under Article 7A.03 may be effective for the duration of the lives of the offender and victim only if the court finds reasonable cause to believe that the victim is the subject of a threat that reasonably places the victim in fear of further harm from the alleged offender.

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

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

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

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Family Code, this article prevails.

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

Same as House version.

SECTION 5. This Act takes effect September 1, 2007.

Same as House version.