

BILL ANALYSIS

H.B. 2202
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Judiciary & Civil Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Protective orders are used by individuals, through a court of law, to protect themselves against instances of family violence. If a court finds that family violence has occurred and is likely to occur in the future, it may render a protective order against an individual identified by the applicant for that order. These orders can help protect men, women, and children when they find themselves in a vicious cycle of family violence. Family violence, as defined by Section 71.004, Family Code, includes instances of dating violence. This reference to "dating violence" in the definition of family violence makes the option of a protective order available to an individual who may be in a violent relationship but who is not married or related to the assailant by consanguinity. Unfortunately, the definition of "dating violence" is narrowly focused on individuals that share a direct, sustained, and romantic relationship. Although third parties to a dating relationship may be able to threaten or cause harm, many times an individual has no standing to apply for a protective order against that third party, because that individual is not directly involved. Including a reference to third parties in the definition of "dating violence" allows more individuals to protect themselves against violence in dating relationships, particularly when that violence is coming from a third party not in the relationship.

H.B. 2202 includes a reference to third parties in the definition of "dating violence."

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 2202 amends the Family Code to include in the definition of "dating violence" an act by an individual against another individual who is in a dating relationship with a third individual with whom the actor is or has been in a dating relationship or marriage.

EFFECTIVE DATE

On passage, or, if the act does not receive the necessary vote, the act takes effect September 1, 2009.