

By: Uresti, et al.

S.B. No. 843

A BILL TO BE ENTITLED

AN ACT

relating to protective orders issued against a third party to prevent family or dating violence.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 71.0021, Family Code, is amended by amending Subsection (a) and adding Subsection (d) to read as follows:

(a) "Dating violence" means an act by an actor ~~[individual]~~ that is against an ~~[another]~~ individual with whom the actor ~~[that person]~~ has or has had a dating relationship, or against another individual who is in a dating relationship with an individual with whom the actor is or has been in a dating relationship or marriage, and that is intended to result in physical harm, bodily injury, assault, or sexual assault or that is a threat that reasonably places the individual in fear of imminent physical harm, bodily injury, assault, or sexual assault, but does not include defensive measures to protect oneself.

(d) For purposes of this section, "marriage" includes a ceremonial marriage and an informal marriage, as those terms are used in Chapter 2.

SECTION 2. Section 71.004, Family Code, is amended to read as follows:

Sec. 71.004. FAMILY VIOLENCE. "Family violence" means:

(1) an act by a member of a family or household against

1 another member of the family or household, or against an individual  
2 with whom another member of the family or household is or has been  
3 in a dating relationship, that is intended to result in physical  
4 harm, bodily injury, assault, or sexual assault or that is a threat  
5 that reasonably places the member or the other individual in fear of  
6 imminent physical harm, bodily injury, assault, or sexual assault,  
7 but does not include defensive measures to protect oneself;

8 (2) abuse, as that term is defined by Sections  
9 261.001(1)(C), (E), and (G), by a member of a family or household  
10 toward a child of the family or household; or

11 (3) dating violence, as that term is defined by  
12 Section 71.0021.

13 SECTION 3. The change in law made by this Act to Sections  
14 71.0021 and 71.004, Family Code, applies to an application for a  
15 protective order filed on or after the effective date of this Act.  
16 An application for a protective order that is filed before the  
17 effective date of this Act is governed by the law in effect on that  
18 date, and the former law is continued in effect for that purpose.

19 SECTION 4. This Act takes effect immediately if it receives  
20 a vote of two-thirds of all the members elected to each house, as  
21 provided by Section 39, Article III, Texas Constitution. If this  
22 Act does not receive the vote necessary for immediate effect, this  
23 Act takes effect September 1, 2009.