

1-1 By: Uresti, et al. S.B. No. 843
1-2 (In the Senate - Filed February 13, 2009; March 4, 2009,
1-3 read first time and referred to Committee on Criminal Justice;
1-4 March 25, 2009, reported favorably by the following vote: Yeas 5,
1-5 Nays 0; March 25, 2009, sent to printer.)

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

1-8 relating to protective orders issued against a third party to
1-9 prevent family or dating violence.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Section 71.0021, Family Code, is amended by
1-12 amending Subsection (a) and adding Subsection (d) to read as
1-13 follows:

1-14 (a) "Dating violence" means an act by an actor [~~individual~~]
1-15 that is against an [~~another~~] individual with whom the actor [~~that~~
1-16 ~~person~~] has or has had a dating relationship, or against another
1-17 individual who is in a dating relationship with an individual with
1-18 whom the actor is or has been in a dating relationship or marriage,
1-19 and that is intended to result in physical harm, bodily injury,
1-20 assault, or sexual assault or that is a threat that reasonably
1-21 places the individual in fear of imminent physical harm, bodily
1-22 injury, assault, or sexual assault, but does not include defensive
1-23 measures to protect oneself.

1-24 (d) For purposes of this section, "marriage" includes a
1-25 ceremonial marriage and an informal marriage, as those terms are
1-26 used in Chapter 2.

1-27 SECTION 2. Section 71.004, Family Code, is amended to read
1-28 as follows:

1-29 Sec. 71.004. FAMILY VIOLENCE. "Family violence" means:

1-30 (1) an act by a member of a family or household against
1-31 another member of the family or household, or against an individual
1-32 with whom another member of the family or household is or has been
1-33 in a dating relationship, that is intended to result in physical
1-34 harm, bodily injury, assault, or sexual assault or that is a threat
1-35 that reasonably places the member or the other individual in fear of
1-36 imminent physical harm, bodily injury, assault, or sexual assault,
1-37 but does not include defensive measures to protect oneself;

1-38 (2) abuse, as that term is defined by Sections
1-39 261.001(1)(C), (E), and (G), by a member of a family or household
1-40 toward a child of the family or household; or

1-41 (3) dating violence, as that term is defined by
1-42 Section 71.0021.

1-43 SECTION 3. The change in law made by this Act to Sections
1-44 71.0021 and 71.004, Family Code, applies to an application for a
1-45 protective order filed on or after the effective date of this Act.
1-46 An application for a protective order that is filed before the
1-47 effective date of this Act is governed by the law in effect on that
1-48 date, and the former law is continued in effect for that purpose.

1-49 SECTION 4. This Act takes effect immediately if it receives
1-50 a vote of two-thirds of all the members elected to each house, as
1-51 provided by Section 39, Article III, Texas Constitution. If this
1-52 Act does not receive the vote necessary for immediate effect, this
1-53 Act takes effect September 1, 2009.

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