

BILL ANALYSIS

H.B. 119
By: Castro
Judiciary & Civil Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Court ordered protective orders are used by individuals 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, the court 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 in family law, includes instances of dating violence. This inclusion makes the option of a protective order available to a person in a violent relationship with an assailant to whom the person is not married or related by consanguinity.

Unfortunately, the definition of "dating violence" is narrowly focused on individuals who share a direct, sustained, and romantic relationship. Although third parties to a dating relationship, such as ex-husbands, ex-girlfriends, may be able to threaten or cause harm, many times an individual has no standing in court to apply for a protective order against that third-party individual, because the individual is not directly involved in the relationship.

H.B. 119 allows more individuals to protect themselves against violence in dating relationships, particularly when that violence is perpetrated by a third individual not associated with that relationship.

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. 119 amends the Family Code to expand the definition of "dating violence" to include 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 bill does not receive the necessary vote, September 1, 2011.