

BILL ANALYSIS

Senate Research Center
82R23821 JSC-D

H.B. 3172
By: Gonzalez, Naomi et al. (Carona)
Jurisprudence
5/18/2011
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Some courts find it easier to facilitate settlement in family and domestic violence cases when parties to a proceeding agree to the provisions of a protective order instead of going through the entire hearing process to make a finding of family and domestic violence. Allowing a court to render an agreed protective order without having to make a finding of family violence will facilitate settlement and therefore protect victims of family violence.

Also, under current law, courts are usually not authorized to find a person in contempt of court for failure to comply with the conditions of a protective order unless the motion is filed by a party to a proceeding. Allowing courts to find persons in contempt of court on the court's own motion in family violence cases will streamline processes relating to protective orders in such cases.

H.B. 3172 allows judges to render protective orders without a finding of family violence. It additionally allows courts to find a person in contempt of court on the court's own motion.

H.B. 3172 amends current law relating to protective orders.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 85.005(a), Family Code, to authorize a court to render an agreed protective order under this subsection without making a finding of family violence.

SECTION 2. Amends Section 85.024(a), Family Code, to authorize a person who fails to comply with this subsection to be punished for contempt of court under Section 21.002 (Contempt of Court), Government Code, on the motion of a party or on the court's own motion.

SECTION 3. Makes application of this Act prospective.

SECTION 4. Effective date: September 1, 2011.