

BILL ANALYSIS

Senate Research Center

S.B. 116
By: Uresti et al.
Criminal Justice
7/25/2011
Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Currently, in the event of dating violence, only a current or former spouse, boyfriend, or girlfriend is eligible to apply for a protective order against his or her partner or ex-partner. Moreover, in the event of family violence, only members of a family or household can apply for a protective order against other members of the same family or household.

This bill would allow third parties to apply for a protective order against their current or former significant other's ex-partner and their current or former significant other's family or household members.

S.B. 116 amends current law relating to protective orders against dating violence.

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. Requires this Act to be known as the Kristy Appleby Act.

SECTION 2. Amends Section 71.0021(a), Family Code, as follows:

(a) Redefines "dating violence" to mean an act, other than a defensive measure to protect oneself, by an actor that:

(1) is committed against a victim:

(A) with whom the actor has or has had a dating relationship, or

(B) because of the victim's marriage to or dating relationship with an individual with whom the actor is or has been in a dating relationship or marriage, and

(2) is intended to result in physical harm, bodily injury, assault, or sexual assault or that is a threat that reasonably places the victim in fear of imminent physical harm, bodily injury, assault, or sexual assault.

SECTION 3. Amends Section 82.002(b), Family Code, to authorize an application for a protective order to protect the applicant, with regard to family violence under Section 71.004(3) (relating to defining "family violence" to include "dating violence"), to be filed by an adult member of the dating relationship, or an adult member of the marriage, if the victim is or was married as described by Section 71.0021(a)(1)(B).

SECTION 4. Makes application of the change in law made by this Act to Sections 71.0021 and 82.002, Family Code, prospective.

SECTION 5. Effective date: upon passage or September 1, 2011.