

By: Anchia

H.B. No. 825

A BILL TO BE ENTITLED

AN ACT

relating to protective orders for stalking victims.

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

SECTION 1. The heading to Chapter 7A, Code of Criminal Procedure, is amended to read as follows:

CHAPTER 7A. PROTECTIVE ORDER FOR VICTIM OF SEXUAL ASSAULT OR
STALKING

SECTION 2. Article 7A.01(a), Code of Criminal Procedure, is amended to read as follows:

(a) A person who is the victim of an offense under Section 21.02, 21.11, 22.011, ~~[ex]~~ 22.021, or 42.072, Penal Code, a parent or guardian acting on behalf of a person younger than 17 years of age who is the victim of such an offense, or a prosecuting attorney acting on behalf of the person may file an application for a protective order under this chapter without regard to the relationship between the applicant and the alleged offender.

SECTION 3. Article 7A.02, Code of Criminal Procedure, is amended to read as follows:

Art. 7A.02. TEMPORARY EX PARTE ORDER. If the court finds from the information contained in an application for a protective order that there is a clear and present danger of ~~[a]~~ sexual assault, stalking, or other harm to the applicant, the court, without further notice to the alleged offender and without a hearing, may enter a temporary ex parte order for the protection of

1 the applicant or any other member of the applicant's family or
2 household.

3 SECTION 4. Article 7A.03, Code of Criminal Procedure, is
4 amended to read as follows:

5 Art. 7A.03. REQUIRED FINDINGS; ISSUANCE OF PROTECTIVE
6 ORDER. (a) At the close of a hearing on an application for a
7 protective order under this chapter, the court shall find whether
8 there are reasonable grounds to believe that the applicant is the
9 victim of:

10 (1) ~~[a]~~ sexual assault and:

11 (A) ~~[(1)]~~ is younger than 18 years of age; or

12 (B) ~~[(2)]~~ regardless of age, is the subject of a
13 threat that reasonably places the applicant in fear of further harm
14 from the alleged offender; or

15 (2) stalking and is the subject of a threat that
16 reasonably places the applicant in fear of further harm from the
17 alleged offender.

18 (b) If the court makes a finding described by Subsection
19 (a)(1) or (2) ~~[finds reasonable grounds to believe that the~~
20 ~~applicant is the victim of a sexual assault and is younger than 18~~
21 ~~years of age, or regardless of age, the subject of a threat that~~
22 ~~reasonably places the applicant in fear of further harm from the~~
23 ~~alleged offender]~~, the court shall issue a protective order that
24 includes a statement of the required findings.

25 SECTION 5. The change in law made by this Act applies only
26 to an application for a protective order that is filed on or after
27 the effective date of this Act. An application for a protective

1 order that is filed before the effective date of this Act is
2 governed by the law in effect on the date the application is filed,
3 and the former law is continued in effect for that purpose.

4 SECTION 6. This Act takes effect September 1, 2011.