

By: Gonzalez, Gonzales of Hidalgo, Lucio III,
Hartnett

H.B. No. 3172

A BILL TO BE ENTITLED

AN ACT

relating to protective orders.

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

SECTION 1. Section 85.005(a), Family Code, is amended to read as follows:

(a) To facilitate settlement, the parties to a proceeding may agree in writing to the terms of a protective order as provided by Section 85.021. An agreement under this subsection is subject to the approval of the court. A court may render an agreed protective order under this subsection without making a finding of family violence.

SECTION 2. Section 85.024(a), Family Code, is amended to read as follows:

(a) A person found to have engaged in family violence who is ordered to attend a program or counseling under Section 85.022(a)(1), (2), or (3) shall file with the court an affidavit before the 60th day after the date the order was rendered stating either that the person has begun the program or counseling or that a program or counseling is not available within a reasonable distance from the person's residence. A person who files an affidavit that the person has begun the program or counseling shall file with the court before the date the protective order expires a statement that the person completed the program or counseling not later than the 30th day before the expiration date of the protective order or the

1 30th day before the first anniversary of the date the protective
2 order was issued, whichever date is earlier. An affidavit under
3 this subsection must be accompanied by a letter, notice, or
4 certificate from the program or counselor that verifies the
5 person's completion of the program or counseling. A person who
6 fails to comply with this subsection may be punished for contempt of
7 court under Section 21.002, Government Code, on the motion of a
8 party or on the court's own motion.

9 SECTION 3. The changes in law made by this Act apply to an
10 application for a protective order filed on or after the effective
11 date of this Act. An application for a protective order filed
12 before the effective date of this Act is covered by the law in
13 effect on the date the application was filed, and the former law is
14 continued in effect for that purpose.

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