

AN ACT

relating to protective orders against dating violence.

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

SECTION 1. This Act shall be known as the Kristy Appleby Act.

SECTION 2. Subsection (a), Section 71.0021, Family Code, is amended to read as follows:

(a) "Dating violence" means an act, other than a defensive measure to protect oneself, by an actor ~~[individual]~~ that:

(1) is committed against a victim:

(A) ~~[another individual]~~ with whom the actor ~~[that person]~~ 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) ~~[that]~~ is intended to result in physical harm, bodily injury, assault, or sexual assault or that is a threat that reasonably places the victim ~~[individual]~~ in fear of imminent physical harm, bodily injury, assault, or sexual assault ~~[, but does not include defensive measures to protect oneself]~~.

SECTION 3. Subsection (b), Section 82.002, Family Code, is amended to read as follows:

(b) With regard to family violence under Section 71.004(3), an application for a protective order to protect the applicant may

1 be filed by:

2 (1) an adult member of the dating relationship; or

3 (2) an adult member of the marriage, if the victim is
4 or was married as described by Section 71.0021(a)(1)(B).

5 SECTION 4. The change in law made by this Act to Sections
6 71.0021 and 82.002, Family Code, applies only to an application for
7 a protective order that is filed on or after the effective date of
8 this Act. An application for a protective order filed before the
9 effective date of this Act is governed by the law in effect on the
10 date the application is filed, and the former law is continued in
11 effect for that purpose.

12 SECTION 5. This Act takes effect immediately if it receives
13 a vote of two-thirds of all the members elected to each house, as
14 provided by Section 39, Article III, Texas Constitution. If this
15 Act does not receive the vote necessary for immediate effect, this
16 Act takes effect September 1, 2011.

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 116 passed the Senate on March 21, 2011, by the following vote: Yeas 30, Nays 0; and that the Senate concurred in House amendment on May 23, 2011, by the following vote: Yeas 30, Nays 0.

Secretary of the Senate

I hereby certify that S.B. No. 116 passed the House, with amendment, on May 19, 2011, by the following vote: Yeas 148, Nays 0, one present not voting.

Chief Clerk of the House

Approved:

Date

Governor