

1-1 By: Zaffirini S.B. No. 250  
1-2 (In the Senate - Filed December 8, 2010; January 31, 2011,  
1-3 read first time and referred to Committee on Criminal Justice;  
1-4 March 14, 2011, reported favorably by the following vote: Yeas 7,  
1-5 Nays 0; March 14, 2011, sent to printer.)

1-6 A BILL TO BE ENTITLED  
1-7 AN ACT

1-8 relating to protective orders for stalking victims.

1-9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-10 SECTION 1. The heading to Chapter 7A, Code of Criminal  
1-11 Procedure, is amended to read as follows:

1-12 CHAPTER 7A. PROTECTIVE ORDER FOR VICTIM OF SEXUAL ASSAULT OR  
1-13 STALKING

1-14 SECTION 2. Subsection (a), Article 7A.01, Code of Criminal  
1-15 Procedure, is amended to read as follows:

1-16 (a) A person who is the victim of an offense under Section  
1-17 21.02, 21.11, 22.011, ~~[or]~~ 22.021, or 42.072, Penal Code, a parent  
1-18 or guardian acting on behalf of a person younger than 17 years of  
1-19 age who is the victim of such an offense, or a prosecuting attorney  
1-20 acting on behalf of the person may file an application for a  
1-21 protective order under this chapter without regard to the  
1-22 relationship between the applicant and the alleged offender.

1-23 SECTION 3. Article 7A.02, Code of Criminal Procedure, is  
1-24 amended to read as follows:

1-25 Art. 7A.02. TEMPORARY EX PARTE ORDER. If the court finds  
1-26 from the information contained in an application for a protective  
1-27 order that there is a clear and present danger of ~~[a]~~ sexual  
1-28 assault, stalking, or other harm to the applicant, the court,  
1-29 without further notice to the alleged offender and without a  
1-30 hearing, may enter a temporary ex parte order for the protection of  
1-31 the applicant or any other member of the applicant's family or  
1-32 household.

1-33 SECTION 4. Article 7A.03, Code of Criminal Procedure, is  
1-34 amended to read as follows:

1-35 Art. 7A.03. REQUIRED FINDINGS; ISSUANCE OF PROTECTIVE  
1-36 ORDER. (a) At the close of a hearing on an application for a  
1-37 protective order under this chapter, the court shall find whether  
1-38 there are reasonable grounds to believe that the applicant is the  
1-39 victim of:

1-40 (1) ~~[a]~~ sexual assault and:

1-41 (A) ~~[(1)]~~ is younger than 18 years of age; or

1-42 (B) ~~[(2)]~~ regardless of age, is the subject of a  
1-43 threat that reasonably places the applicant in fear of further harm  
1-44 from the alleged offender; or

1-45 (2) stalking.

1-46 (b) If the court makes a finding described by Subsection  
1-47 (a)(1) or (2) [finds reasonable grounds to believe that the  
1-48 applicant is the victim of a sexual assault and is younger than 18  
1-49 years of age, or regardless of age, the subject of a threat that  
1-50 reasonably places the applicant in fear of further harm from the  
1-51 alleged offender], the court shall issue a protective order that  
1-52 includes a statement of the required findings.

1-53 SECTION 5. The change in law made by this Act applies only  
1-54 to an application for a protective order that is filed on or after  
1-55 the effective date of this Act. An application for a protective  
1-56 order that is filed before the effective date of this Act is  
1-57 governed by the law in effect on the date the application is filed,  
1-58 and the former law is continued in effect for that purpose.

1-59 SECTION 6. This Act takes effect September 1, 2011.

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