1   AN ACT
2 relating to family violence and protective orders.
3   BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
4   SECTION 1. Chapter 81, Family Code, is amended by adding
5 Section 81.010 to read as follows:
6   Sec. 81.010. COURT ENFORCEMENT. (a) A court of this state
7 with jurisdiction of proceedings arising under this title may
8 enforce a protective order rendered by another court in the same
9 manner that the court that rendered the order could enforce the
10 order, regardless of whether the order is transferred under
11 Subchapter D, Chapter 85.
12   (b) A court's authority under this section includes the
13 authority to enforce a protective order through contempt.
14   (c) A motion for enforcement of a protective order rendered
15 under this title may be filed in:
16   (1) any court in the county in which the order was
17 rendered with jurisdiction of proceedings arising under this title;
18   (2) a county in which the movant or respondent
19 resides; or
20   (3) a county in which an alleged violation of the order
21 occurs.
22   SECTION 2. Subsection (b), Section 82.002, Family Code, is
23 amended to read as follows:
24   (b) With regard to family violence under Section 71.004(3),

1 an application for a protective order to protect the applicant may

2 be filed by a [an adult] member of the dating relationship,

3 regardless of whether the member is an adult or a child.

4   SECTION 3.   Section 82.009, Family Code, is amended to read

5 as follows:

6   Sec. 82.009.   APPLICATION FOR TEMPORARY EX PARTE ORDER.

7 (a) An application that requests the issuance of a temporary ex

8 parte order under Chapter 83 must:

9   (1) contain a detailed description of the facts and

10 circumstances concerning the alleged family violence and the need

11 for the immediate protective order; and

12   (2) be signed by each applicant under an oath that the

13 facts and circumstances contained in the application are true to

14 the best knowledge and belief of each applicant.

15   (b) For purposes of this section, a statement signed under

16 oath by a child is valid if the statement otherwise complies with

17 this chapter.

18   SECTION 4.   Section 83.006, Family Code, is amended by

19 adding Subsection (c) to read as follows:

20   (c) The court may recess the hearing on a temporary ex parte

21 order to contact the respondent by telephone and provide the

22 respondent the opportunity to be present when the court resumes the

23 hearing.   Without regard to whether the respondent is able to be

24 present at the hearing, the court shall resume the hearing before

25 the end of the working day.

26   SECTION 5.   Subsection (a), Section 85.026, Family Code, is

27 amended to read as follows:

1   (a) Each protective order issued under this subtitle,

2 including a temporary ex parte order, must contain the following

3 prominently displayed statements in boldfaced type, capital

4 letters, or underlined:

5   "A PERSON WHO VIOLATES THIS ORDER MAY BE PUNISHED FOR

6 CONTEMPT OF COURT BY A FINE OF AS MUCH AS $500 OR BY CONFINEMENT IN

7 JAIL FOR AS LONG AS SIX MONTHS, OR BOTH."

8   "NO PERSON, INCLUDING A PERSON WHO IS PROTECTED BY THIS

9 ORDER, MAY GIVE PERMISSION TO ANYONE TO IGNORE OR VIOLATE ANY

10 PROVISION OF THIS ORDER. DURING THE TIME IN WHICH THIS ORDER IS

11 VALID, EVERY PROVISION OF THIS ORDER IS IN FULL FORCE AND EFFECT

12 UNLESS A COURT CHANGES THE ORDER."

13   "IT IS UNLAWFUL FOR ANY PERSON, OTHER THAN A PEACE OFFICER, AS

14 DEFINED BY SECTION 1.07, PENAL CODE, ACTIVELY ENGAGED IN EMPLOYMENT

15 AS A SWORN, FULL-TIME PAID EMPLOYEE OF A STATE AGENCY OR POLITICAL

16 SUBDIVISION, WHO IS SUBJECT TO A PROTECTIVE ORDER TO POSSESS A

17 FIREARM OR AMMUNITION."

18   "A VIOLATION OF THIS ORDER BY COMMISSION OF AN ACT PROHIBITED

19 BY THE ORDER MAY BE PUNISHABLE BY A FINE OF AS MUCH AS $4,000 OR BY

20 CONFINEMENT IN JAIL FOR AS LONG AS ONE YEAR, OR BOTH. AN ACT THAT

21 RESULTS IN FAMILY VIOLENCE MAY BE PROSECUTED AS A SEPARATE

22 MISDEMEANOR OR FELONY OFFENSE. IF THE ACT IS PROSECUTED AS A

23 SEPARATE FELONY OFFENSE, IT IS PUNISHABLE BY CONFINEMENT IN PRISON

24 FOR AT LEAST TWO YEARS."

25   SECTION 6. The following provisions of the Family Code are

26 repealed:

27   (1) Section 83.007;

1   (2) Subsection (b), Section 85.026; and

2   (3) Subsections (a) and (b), Section 85.065.

3   SECTION 7. (a) The changes in law made by this Act to

4 Sections 82.002 and 82.009, Family Code, apply only to an

5 application for a protective order that is filed on or after the

6 effective date of this Act. An application for a protective order

7 filed before the effective date of this Act is governed by the law

8 in effect on the date the application is filed, and the former law

9 is continued in effect for that purpose.

10   (b) The changes in law made by this Act to Section 85.026,

11 Family Code, apply only to a protective order issued on or after the

12 effective date of this Act. A protective order issued before the

13 effective date of this Act is governed by the law in effect on the

14 date the order is issued, and the former law is continued in effect

15 for that purpose.

16   SECTION 8. This Act takes effect September 1, 2011.

_____   _____
     President of the Senate   Speaker of the House

    I hereby certify that S.B. No. 819 passed the Senate on March 31, 2011, by the following vote: Yeas 31, Nays 0; and that the Senate concurred in House amendment on May 25, 2011, by the following vote: Yeas 31, Nays 0.

                            _____
                             Secretary of the Senate

    I hereby certify that S.B. No. 819 passed the House, with amendment, on May 23, 2011, by the following vote: Yeas 142, Nays 0, one present not voting.

                            _____
                             Chief Clerk of the House

Approved:

_____
             Date

_____
           Governor