

1-1 By: Harris S.B. No. 819
1-2 (In the Senate - Filed February 21, 2011; March 1, 2011,
1-3 read first time and referred to Committee on Jurisprudence;
1-4 March 23, 2011, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 6, Nays 0; March 23, 2011,
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 819 By: Harris

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to family violence and protective orders.
1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
1-12 SECTION 1. Chapter 81, Family Code, is amended by adding
1-13 Section 81.010 to read as follows:
1-14 Sec. 81.010. COURT ENFORCEMENT. (a) A court of this state
1-15 with jurisdiction of proceedings arising under this title may
1-16 enforce a protective order rendered by another court in the same
1-17 manner that the court that rendered the order could enforce the
1-18 order, regardless of whether the order is transferred under
1-19 Subchapter D, Chapter 85.
1-20 (b) A court's authority under this section includes the
1-21 authority to enforce a protective order through contempt.
1-22 SECTION 2. Subsection (b), Section 82.002, Family Code, is
1-23 amended to read as follows:
1-24 (b) With regard to family violence under Section 71.004(3),
1-25 an application for a protective order to protect the applicant may
1-26 be filed by a [an adult] member of the dating relationship,
1-27 regardless of whether the member is an adult or a child.
1-28 SECTION 3. Section 82.009, Family Code, is amended to read
1-29 as follows:
1-30 Sec. 82.009. APPLICATION FOR TEMPORARY EX PARTE ORDER.
1-31 (a) An application that requests the issuance of a temporary ex
1-32 parte order under Chapter 83 must:
1-33 (1) contain a detailed description of the facts and
1-34 circumstances concerning the alleged family violence and the need
1-35 for the immediate protective order; and
1-36 (2) be signed by each applicant under an oath that the
1-37 facts and circumstances contained in the application are true to
1-38 the best knowledge and belief of each applicant.
1-39 (b) For purposes of this section, a statement signed under
1-40 oath by a child is valid if the statement otherwise complies with
1-41 this chapter.
1-42 SECTION 4. Section 83.006, Family Code, is amended by
1-43 adding Subsection (c) to read as follows:
1-44 (c) The court may recess the hearing on a temporary ex parte
1-45 order to contact the respondent by telephone and provide the
1-46 respondent the opportunity to be present when the court resumes the
1-47 hearing. Without regard to whether the respondent is able to be
1-48 present at the hearing, the court shall resume the hearing before
1-49 the end of the working day.
1-50 SECTION 5. Subsection (a), Section 85.026, Family Code, is
1-51 amended to read as follows:
1-52 (a) Each protective order issued under this subtitle,
1-53 including a temporary ex parte order, must contain the following
1-54 prominently displayed statements in boldfaced type, capital
1-55 letters, or underlined:
1-56 "A PERSON WHO VIOLATES THIS ORDER MAY BE PUNISHED FOR
1-57 CONTEMPT OF COURT BY A FINE OF AS MUCH AS \$500 OR BY CONFINEMENT IN
1-58 JAIL FOR AS LONG AS SIX MONTHS, OR BOTH."
1-59 "NO PERSON, INCLUDING A PERSON WHO IS PROTECTED BY THIS
1-60 ORDER, MAY GIVE PERMISSION TO ANYONE TO IGNORE OR VIOLATE ANY
1-61 PROVISION OF THIS ORDER. DURING THE TIME IN WHICH THIS ORDER IS
1-62 VALID, EVERY PROVISION OF THIS ORDER IS IN FULL FORCE AND EFFECT
1-63 UNLESS A COURT CHANGES THE ORDER."

2-1 "IT IS UNLAWFUL FOR ANY PERSON, OTHER THAN A PEACE OFFICER, AS
2-2 DEFINED BY SECTION 1.07, PENAL CODE, ACTIVELY ENGAGED IN EMPLOYMENT
2-3 AS A SWORN, FULL-TIME PAID EMPLOYEE OF A STATE AGENCY OR POLITICAL
2-4 SUBDIVISION, WHO IS SUBJECT TO A PROTECTIVE ORDER TO POSSESS A
2-5 FIREARM OR AMMUNITION."

2-6 "A VIOLATION OF THIS ORDER BY COMMISSION OF AN ACT PROHIBITED
2-7 BY THE ORDER MAY BE PUNISHABLE BY A FINE OF AS MUCH AS \$4,000 OR BY
2-8 CONFINEMENT IN JAIL FOR AS LONG AS ONE YEAR, OR BOTH. AN ACT THAT
2-9 RESULTS IN FAMILY VIOLENCE MAY BE PROSECUTED AS A SEPARATE
2-10 MISDEMEANOR OR FELONY OFFENSE. IF THE ACT IS PROSECUTED AS A
2-11 SEPARATE FELONY OFFENSE, IT IS PUNISHABLE BY CONFINEMENT IN PRISON
2-12 FOR AT LEAST TWO YEARS."

2-13 SECTION 6. The following provisions of the Family Code are
2-14 repealed:

- 2-15 (1) Sections 83.007;
- 2-16 (2) Subsection (b), Section 85.026; and
- 2-17 (3) Subsections (a) and (b), Section 85.065.

2-18 SECTION 7. (a) The changes in law made by this Act to
2-19 Sections 82.002 and 82.009, Family Code, apply only to an
2-20 application for a protective order that is filed on or after the
2-21 effective date of this Act. An application for a protective order
2-22 filed before the effective date of this Act is governed by the law
2-23 in effect on the date the application is filed, and the former law
2-24 is continued in effect for that purpose.

2-25 (b) The changes in law made by this Act to Section 85.026,
2-26 Family Code, apply only to a protective order issued on or after the
2-27 effective date of this Act. A protective order issued before the
2-28 effective date of this Act is governed by the law in effect on the
2-29 date the order is issued, and the former law is continued in effect
2-30 for that purpose.

2-31 SECTION 8. This Act takes effect September 1, 2011.

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