

## **BILL ANALYSIS**

S.B. 893  
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Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Interested parties assert that, although Texas law has created protections for victims of sexual assault, certain provisions of law should be strengthened in order to provide these victims with the same level of protections afforded to victims of family violence. For example, while courts have the explicit authority to prevent communication of any kind between victims of family violence and an assailant, current law regarding sexual assault protective orders only prohibits certain communications of a threatening or harassing nature. In addition, current law makes certain violations of bond conditions in family violence cases a Class A misdemeanor but does not provide such a penalty for violating bond conditions in sexual assault cases. Finally, information relating to certain active protective orders is required to be entered into the Texas Crime Information Center while information relating to certain bond conditions is not required to be entered into the system.

S.B. 893 seeks to address these issues by amending current law relating to certain conditions of, penalties for violating, and collection of information about protective orders issued in certain family violence, sexual assault or abuse, stalking, or trafficking cases.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that rulemaking authority is expressly granted to the Department of Public Safety in SECTION 3 of this bill.

### **ANALYSIS**

S.B. 893 amends the Code of Criminal Procedure to authorize a court, in issuing a protective order relating to a victim of sexual assault or abuse, stalking, or trafficking, to prohibit the alleged offender from communicating in any manner with the protective order applicant or any member of the applicant's family or household except through the applicant's attorney or a person appointed by the court, if the court finds good cause for the prohibition. The bill amends the Penal Code to make it a Class A misdemeanor to violate such an order by knowingly communicating in such a manner.

S.B. 893 amends the Government Code to require the bureau of identification and records to collect pertinent information with regard to active protective orders about persons subject to bond conditions imposed for the protection of the victim in any family violence, sexual assault or abuse, or stalking case and to require the inclusion of the bond conditions in the law enforcement information system. The bill specifies that the authority of the Department of Public Safety (DPS) to adopt reasonable rules relating to active protective orders and certain reporting procedures applies to active protective orders generally, rather than only active protective orders against family violence. The bill authorizes DPS to adopt reasonable rules relating to active bond conditions imposed on a defendant for the protection of a victim in any family violence, sexual assault or abuse, or stalking case, and reporting procedures that ensure that information relating to the issuance, modification, or removal of the bond conditions is reported to the local law enforcement agency at the time of the issuance, modification, or removal and entered by the

local law enforcement agency in the state's law enforcement information system.

S.B. 893 amends the Penal Code to make it a Class A misdemeanor, or a third degree felony if it is shown on the trial of the offense that the defendant has previously been convicted two or more times or has violated the order or condition of bond by committing an assault or the offense of stalking, to knowingly or intentionally commit certain acts in violation of a condition of bond set in a sexual assault or abuse or stalking case and related to the safety of a victim or the safety of the community.

**EFFECTIVE DATE**

September 1, 2013.