

By: Moody

H.B. No. 1462

A BILL TO BE ENTITLED

AN ACT

relating to violation of certain protective orders or conditions of bond; providing a penalty.

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

SECTION 1. Section 25.07(a), Penal Code, is amended to read as follows:

(a) A person commits an offense if, in violation of a condition of bond set in a family violence case and related to the safety of the victim or the safety of the community, an order issued under Article 17.292, Code of Criminal Procedure, an order issued under Section 6.504, Family Code, Chapter 83, Family Code, if the temporary ex parte order has been served on the person, or Chapter 85, Family Code, or an order issued by another jurisdiction as provided by Chapter 88, Family Code, the person knowingly or intentionally:

(1) commits family violence or an act in furtherance of an offense under Section 22.011, 22.021, or 42.072;

(2) communicates:

(A) directly with a protected individual or a member of the family or household in a threatening or harassing manner;

(B) a threat through any person to a protected individual or a member of the family or household; or

(C) in any manner with the protected individual

1 or a member of the family or household except through the person's
2 attorney or a person appointed by the court, if the violation is of
3 an order described by this subsection and the order prohibits any
4 communication with a protected individual or a member of the family
5 or household;

6 (3) goes to or near any of the following places as
7 specifically described in the order or condition of bond:

8 (A) the residence or place of employment or
9 business of a protected individual or a member of the family or
10 household; or

11 (B) any child care facility, residence, or school
12 where a child protected by the order or condition of bond normally
13 resides or attends;

14 (4) possesses a firearm; ~~or~~

15 (5) harms, threatens, or interferes with the care,
16 custody, or control of a pet, companion animal, or assistance
17 animal that is possessed by a person protected by the order; or

18 (6) goes near a protected individual or a member of the
19 family or household of a protected individual.

20 SECTION 2. Section 25.071(a), Penal Code, is amended to
21 read as follows:

22 (a) A person commits an offense if, in violation of an order
23 issued under Article 6.08, Code of Criminal Procedure, the person
24 knowingly or intentionally:

25 (1) commits an offense under Title 5 or Section 28.02,
26 28.03, or 28.08 and commits the offense because of bias or prejudice
27 as described by Article 42.014, Code of Criminal Procedure;

1 (2) communicates:

2 (A) directly with a protected individual in a
3 threatening or harassing manner;

4 (B) a threat through any person to a protected
5 individual; or

6 (C) in any manner with the protected individual,
7 if the order prohibits any communication with a protected
8 individual; [~~or~~]

9 (3) goes to or near the residence or place of
10 employment or business of a protected individual; or

11 (4) goes near a protected individual or a member of the
12 family or household of a protected individual.

13 SECTION 3. Section 38.112(a), Penal Code, is amended to
14 read as follows:

15 (a) A person commits an offense if, in violation of an order
16 issued under Chapter 7A, Code of Criminal Procedure, the person
17 knowingly:

18 (1) communicates directly or indirectly with the
19 applicant or any member of the applicant's family or household in a
20 threatening or harassing manner;

21 (2) goes to or near the residence, place of employment
22 or business, or child-care facility or school of the applicant or
23 any member of the applicant's family or household; [~~or~~]

24 (3) possesses a firearm; or

25 (4) goes near the applicant or a member of the family
26 or household of the applicant.

27 SECTION 4. Article 17.152(d), Code of Criminal Procedure,

1 is amended to read as follows:

2 (d) A person who commits an offense under Section
3 25.07(a)(3) or (6), Penal Code, may be held without bail under
4 Subsection (b) or (c), as applicable, only if following a hearing
5 the judge or magistrate determines by a preponderance of the
6 evidence that the person went to or near the place described in the
7 order or condition of bond or went near a protected individual or a
8 member of the family or household of a protected individual with the
9 intent to commit or threaten to commit:

10 (1) family violence; or

11 (2) an act in furtherance of an offense under Section
12 42.072, Penal Code.

13 SECTION 5. This Act takes effect September 1, 2013.