

By: Hinojosa

S.B. No. 357

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the issuance of protective orders for certain sexual,
3 stalking, and trafficking offenses.

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

5 SECTION 1. Subsection (b), Article 7A.01, Code of Criminal
6 Procedure, is amended to read as follows:

7 (b) An application for a protective order under this chapter
8 may be filed in:

9 (1) a district court, juvenile court having the
10 jurisdiction of a district court, statutory county court, or
11 constitutional county court in:

12 (A) [~~(1)~~] the county in which the applicant
13 resides;

14 (B) [~~or (2)~~] the county in which the alleged
15 offender resides; or

16 (C) any county in which an element of the alleged
17 offense occurred; or

18 (2) any court with jurisdiction over a protective
19 order previously issued under Title 4, Family Code, with respect to
20 the same parties named in the application.

21 SECTION 2. Article 7A.03, Code of Criminal Procedure, as
22 amended by Chapters 135 (S.B. 250) and 238 (H.B. 649), Acts of the
23 82nd Legislature, Regular Session, 2011, is reenacted and amended
24 to read as follows:

1 Art. 7A.03. REQUIRED FINDINGS; ISSUANCE OF PROTECTIVE
2 ORDER. (a) At the close of a hearing on an application for a
3 protective order under this chapter, the court shall find whether
4 there are reasonable grounds to believe that the applicant is the
5 victim of sexual assault or abuse, ~~+~~ or stalking, or trafficking.

6 (b) If the court makes a finding described by Subsection (a)
7 [~~(a)(1) or (2)~~], the court shall issue a protective order that
8 includes a statement of the required findings.

9 SECTION 3. The change in law made by this Act in amending
10 Article 7A.03, Code of Criminal Procedure, applies only to a
11 protective order issued on or after the effective date of this Act.
12 A protective order issued before the effective date of this Act is
13 governed by the law in effect on the date the order is issued, and
14 the former law is continued in effect for that purpose.

15 SECTION 4. This Act takes effect September 1, 2013.