

AN ACT

relating to the issuance of protective orders for certain sexual, stalking, and trafficking offenses.

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

SECTION 1. The heading to Chapter 7A, Code of Criminal Procedure, is amended to read as follows:

CHAPTER 7A. PROTECTIVE ORDER FOR ~~[CERTAIN]~~ VICTIMS OF ~~[TRAFFICKING OR]~~ SEXUAL ASSAULT OR ABUSE, STALKING, OR TRAFFICKING

SECTION 2. Subsection (b), Article 7A.01, Code of Criminal Procedure, is amended to read as follows:

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

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

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

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

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

(2) any court with jurisdiction over a protective order under Title 4, Family Code, involving the same parties named in the application.

1 SECTION 3. Article 7A.03, Code of Criminal Procedure, as  
2 amended by Chapters 135 (S.B. 250) and 238 (H.B. 649), Acts of the  
3 82nd Legislature, Regular Session, 2011, is reenacted and amended  
4 to read as follows:

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

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

13 SECTION 4. Subsection (a), Article 7A.05, Code of Criminal  
14 Procedure, is amended to read as follows:

15 (a) In a protective order issued under this chapter, the  
16 court may:

17 (1) order the alleged offender to take action as  
18 specified by the court that the court determines is necessary or  
19 appropriate to prevent or reduce the likelihood of future harm to  
20 the applicant or a member of the applicant's family or household; or

21 (2) prohibit the alleged offender from:

22 (A) communicating:

23 (i) directly or indirectly with the  
24 applicant or any member of the applicant's family or household in a  
25 threatening or harassing manner; or

26 (ii) in any manner with the applicant or any  
27 member of the applicant's family or household except through the

1 applicant's attorney or a person appointed by the court, if the  
2 court finds good cause for the prohibition;

3 (B) going to or near the residence, place of  
4 employment or business, or child-care facility or school of the  
5 applicant or any member of the applicant's family or household;

6 (C) engaging in conduct directed specifically  
7 toward the applicant or any member of the applicant's family or  
8 household, including following the person, that is reasonably  
9 likely to harass, annoy, alarm, abuse, torment, or embarrass the  
10 person; and

11 (D) possessing a firearm, unless the alleged  
12 offender is a peace officer, as defined by Section 1.07, Penal Code,  
13 actively engaged in employment as a sworn, full-time paid employee  
14 of a state agency or political subdivision.

15 SECTION 5. The change in law made by this Act in amending  
16 Chapter 7A, Code of Criminal Procedure, applies only to a  
17 protective order issued on or after the effective date of this Act.  
18 A protective order issued before the effective date of this Act is  
19 governed by the law in effect on the date the order is issued, and  
20 the former law is continued in effect for that purpose.

21 SECTION 6. This Act takes effect September 1, 2013.

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Speaker of the House

I hereby certify that S.B. No. 357 passed the Senate on April 25, 2013, by the following vote: Yeas 30, Nays 0; and that the Senate concurred in House amendments on May 22, 2013, by the following vote: Yeas 31, Nays 0.

\_\_\_\_\_  
Secretary of the Senate

I hereby certify that S.B. No. 357 passed the House, with amendments, on May 16, 2013, by the following vote: Yeas 143, Nays 0, two present not voting.

\_\_\_\_\_  
Chief Clerk of the House

Approved:

\_\_\_\_\_  
Date

\_\_\_\_\_  
Governor