

BILL ANALYSIS

Senate Research Center
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H.B. 388
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State Affairs
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The purpose of H.B. 388 is to protect family violence victims from further abuse. Current law only extends protective orders in cases of family violence if the aggressor is still imprisoned at the time the order is set to expire. Protective orders fail to serve their purpose if they expire while the person still poses a threat to his or her family.

H.B. 388 would extend all protective orders issued against a person who was subsequently imprisoned if the order expired while the person was incarcerated or within a year of his or her release. Specifically, H.B. 388 creates two categories of protective order extensions. If the subject of a protective order is sentenced to serve five years or less, and the order expires while the person is incarcerated or within a year of his or her release, the order is extended to expire on the second anniversary of his or her release. On the other hand, if the subject of a protective order is sentenced to more than five years, and the order expires while the person is incarcerated or within a year of his or her release, the order is extended to expire on the first anniversary of his or her release. This extension of protective orders would provide additional safeguards for family violence victims.

H.B. 388 amends current law relating to the duration of protective orders issued in cases of family violence against persons who are subsequently confined or imprisoned.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 85.025(c), Family Code, as follows:

(c) Provides that if a person who is the subject of a protective order is confined or imprisoned on the date the protective order would expire under Subsection (a) (providing that an order under this subtitle is effective for a certain periods of time set forth) or (a-1) (authorizing the court to render a protective order sufficient to protect the applicant and members of the applicant's family or household that is effective for a period that exceeds two years if the court finds that the person who is the subject of the protective order meets certain requirements), or if the protective order would expire not later than the first anniversary of the date the person is released from confinement or imprisonment, the period for which the order is effective is extended, and the order expires on:

- (1) the first anniversary of the date the person is released from confinement or imprisonment, if the person was sentenced to confinement or imprisonment for more than five years; or
- (2) the second anniversary of the date the person is released from confinement or imprisonment, if the person was sentenced to confinement or imprisonment for five years or less.

SECTION 2. Provides that Section 85.025(c), Family Code, as amended by this Act, applies only to a protective order issued on or after the effective date of this Act. Makes application of this Act prospective.

SECTION 3. Effective date: upon passage or September 1, 2015.