BILL ANALYSIS

BACKGROUND AND PURPOSE

Currently, a judge is authorized under certain conditions to issue an emergency protective order under which an arrested person is prohibited from committing certain offenses or from communicating with certain persons in a threatening or harassing manner. However, a judge is not currently authorized to order an arrested person to completely stop communicating directly with the person protected under the order or with a member of the protected person's family or household. Interested parties believe that there is a need for a cool-down period following the offender's arrest and the issuance of the emergency protective order during which the affected individuals are only allowed to communicate through lawyers. C.S.H.B. 1076 seeks to address this issue.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 1076 amends the Code of Criminal Procedure to authorize a magistrate, in an order for emergency protection and on finding good cause, to prohibit an arrested party from communicating in any manner with a person protected under the order or a member of the family or household of such a protected person, except through the party's attorney or a person appointed by the court.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2015.

COMPARISON OF ORIGINAL AND SUBSTITUTE

C.S.H.B.1076 differs from the original only by amending the caption.