

BILL ANALYSIS

Senate Research Center
84R123 JSC-D

S.B. 112
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Criminal Justice
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Currently, judges have the authority to issue emergency protective orders for the benefit of certain persons. These protective orders may prohibit an arrested person from assaulting or stalking the person protected. Protective orders may also prohibit the arrested person from threatening or communicating directly with the person protected under the order, as well as the person's family.

Currently in situations where there are accusations of domestic violence, a judge does not have the authority to issue a gag order. Interested parties believe there is a need for a "cool down" period, where individuals could communicate only through lawyers.

S.B. 112 expands the authority of a judge, when issuing an order for emergency protection, to prohibit the arrested party from communicating in any way with the protected person, the person's family or household, except through the party's attorney or a person appointed by the court.

As proposed, S.B. 112 amends current law relating to the authority of a magistrate to prohibit certain communications in an order for emergency protection.

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 Article 17.292(c), Code of Criminal Procedure, as follows:

(c) Authorizes the magistrate in an order for emergency protection to prohibit the arrested party from communicating, if the magistrate finds good cause, in any manner with a person protected under the order or a member of the family or household of a person protected under the order, except through the party's attorney or a person appointed by the court.

SECTION 2. Effective date: upon passage or September 1, 2015.