

BILL ANALYSIS

S.B. 817
By: Rodríguez
Juvenile Justice & Family Issues
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Interested parties contend that the use of the term "victim" in certain Family Code provisions relating to the issuance of protective orders in the case of abuse is occasionally inaccurate. In addition, there is concern that some judges are reluctant to issue protective orders until the perpetrator has been convicted, believing that a person is not a victim until that happens, as well as concerns regarding the appointment of conservatorship in cases involving child abuse or family violence. S.B. 817 seeks to address these issues.

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

S.B. 817 amends the Family Code to specify, for purposes of statutory provisions relating to protective orders and family violence, that the term "dating violence" refers to an act committed against an applicant for a protective order who has or has had a specified relationship with the actor, in addition to an act committed against a victim who has or has had such a relationship with the actor. The bill expands the types of abuse included in the definition of "family violence" for purposes of those provisions to include causing, permitting, encouraging, engaging in, or allowing the photographing, filming, or depicting of the child if the person knew or should have known that the resulting photograph, film, or depiction of the child is obscene or pornographic; the current use by a person of a controlled substance in a manner or to the extent that the use results in physical, mental, or emotional injury to a child; causing, expressly permitting, or encouraging a child to use a controlled substance; or causing, permitting, encouraging, engaging in, or allowing a sexual performance by a child.

S.B. 817 requires a court, in making an appointment of a sole managing conservator or of joint managing conservators, to consider whether, preceding the filing of a suit affecting the parent-child relationship or during the pendency of such suit, a party engaged in a history or pattern of family violence, a party engaged in a history or pattern of child abuse or child neglect, or a final protective order was rendered against a party.

EFFECTIVE DATE

September 1, 2015.