

## **BILL ANALYSIS**

C.S.S.B. 818  
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Juvenile Justice & Family Issues  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Interested parties note that a parent of a child must notify the child's other parent if a person they reside with or marry is a registered sex offender or is charged with a sexual offense. The parties assert that this important requirement aimed at protecting children should also apply with regard to a person who a parent knows is the subject of a final protective order in order to give parents the opportunity to ensure appropriate safeguards are in place to protect their children. C.S.S.B. 818 seeks to help provide for the safety and well-being of Texas children.

### **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.S.B. 818 amends the Family Code to require a court to order each conservator of a child to inform the other conservator of the child if the conservator establishes a residence with a person who the conservator knows is the subject of a final protective order sought by an individual other than the conservator that is in effect on the date the residence with the person is established; resides with, or allows unsupervised access to a child by, a person who is the subject of a final protective order sought by the conservator after the expiration of the 60-day period following the date the final protective order is issued; or is the subject of a final protective order issued after the date of the order establishing conservatorship. The bill establishes deadlines for the provision of the notice and includes a conservator's failure to provide the notice in the manner required by the bill's provisions as conduct constituting the Class C misdemeanor offense relating to a conservator's duty to provide certain information. The bill authorizes a person to bring a suit to modify a court order rendered before September 1, 2015, under the bill's provisions.

### **EFFECTIVE DATE**

September 1, 2015.

### **COMPARISON OF SENATE ENGROSSED AND SUBSTITUTE**

While C.S.S.B. 818 may differ from the engrossed in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the engrossed and committee substitute versions of the bill.

SENATE ENGROSSED

SECTION 1. Section 153.076(b), Family Code, is amended to read as follows:

(b) The court shall order that each conservator of a child has the duty to inform the other conservator of the child if the conservator resides with for at least 30 days, marries, or intends to marry a person who the conservator knows:

(1) is registered as a sex offender under Chapter 62, Code of Criminal Procedure; [or]

(2) is currently charged with an offense for which on conviction the person would be required to register under Chapter 62, Code of Criminal Procedure;

(3) is the subject of a protective order rendered under Chapter 85 or a similar law of another state in which the person was found to have committed family violence; or

(4) is currently charged by indictment or information with an offense involving family violence for which a protective order may be rendered under Chapter 85 or a similar law of another state [that chapter].

No equivalent provision.

No equivalent provision.

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Section 153.076, Family Code, is amended by adding Subsections (b-1) and (c-1) and amending Subsection (d) to read as follows:

(b-1) The court shall order that each conservator of a child has the duty to inform the other conservator of the child if the conservator:

(1) establishes a residence with a person who the conservator knows is the subject of a final protective order sought by an individual other than the conservator that is in effect on the date the residence with the person is established;

(2) resides with, or allows unsupervised access to a child by, a person who is the subject of a final protective order sought by the conservator after the expiration of the 60-day period following the date the final protective order is issued; or

(3) is the subject of a final protective order issued after the date of the order establishing conservatorship.

(c-1) The notice required to be made under Subsection (b-1) must be made as soon as practicable but not later than:

(1) the 30th day after the date the conservator establishes residence with the person who is the subject of the final protective order, if the notice is required by Subsection (b-1)(1);

(2) the 90th day after the date the final protective order was issued, if the notice is required by Subsection (b-1)(2); or

(3) the 30th day after the date the final protective order was issued, if the notice is required by Subsection (b-1)(3).

(d) A conservator commits an offense if the conservator fails to provide notice in the manner required by Subsections (b) and (c), or Subsections (b-1) and (c-1), as applicable. An offense under this

SECTION 2. (a) Except as provided by Subsection (b) of this section, the changes in law made by this Act to Section 153.076(b), Family Code, apply only to a court order rendered on or after the effective date of this Act. A court order rendered before that date is governed by the law in effect on the date the order was rendered, and the former law is continued in effect for that purpose.

(b) A person may bring a suit to modify a court order rendered before September 1, 2015, under Section 153.076(b), Family Code, as amended by this Act.

SECTION 3. This Act takes effect September 1, 2015.

subsection is a Class C misdemeanor.

SECTION 2. (a) Except as provided by Subsection (b) of this section, the changes in law made by this Act to Section 153.076, Family Code, apply only to a court order rendered on or after the effective date of this Act. A court order rendered before that date is governed by the law in effect on the date the order was rendered, and the former law is continued in effect for that purpose.

(b) A person may bring a suit to modify a court order rendered before September 1, 2015, under Section 153.076, Family Code, as amended by this Act.

SECTION 3. Same as engrossed version.