

By: Thompson of Harris

H.B. No. 1076

Substitute the following for H.B. No. 1076:

By: Herrero

C.S.H.B. No. 1076

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the authority of a magistrate to prohibit certain
3 communications in an order for emergency protection; amending
4 provisions subject to a criminal penalty.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Article 17.292(c), Code of Criminal Procedure,
7 is amended to read as follows:

8 (c) The magistrate in the order for emergency protection may
9 prohibit the arrested party from:

10 (1) committing:

11 (A) family violence or an assault on the person
12 protected under the order; or

13 (B) an act in furtherance of an offense under
14 Section 42.072, Penal Code;

15 (2) communicating:

16 (A) directly with a member of the family or
17 household or with the person protected under the order in a
18 threatening or harassing manner; ~~or~~

19 (B) a threat through any person to a member of the
20 family or household or to the person protected under the order; or

21 (C) if the magistrate finds good cause, in any
22 manner with a person protected under the order or a member of the
23 family or household of a person protected under the order, except
24 through the party's attorney or a person appointed by the court;

1 (3) going to or near:

2 (A) the residence, place of employment, or
3 business of a member of the family or household or of the person
4 protected under the order; or

5 (B) the residence, child care facility, or school
6 where a child protected under the order resides or attends; or

7 (4) possessing a firearm, unless the person is a peace
8 officer, as defined by Section 1.07, Penal Code, actively engaged
9 in employment as a sworn, full-time paid employee of a state agency
10 or political subdivision.

11 SECTION 2. This Act takes effect immediately if it receives
12 a vote of two-thirds of all the members elected to each house, as
13 provided by Section 39, Article III, Texas Constitution. If this
14 Act does not receive the vote necessary for immediate effect, this
15 Act takes effect September 1, 2015.