

1-1 By: Rodríguez, Birdwell S.B. No. 147
 1-2 (In the Senate - Filed November 10, 2014; January 27, 2015,
 1-3 read first time and referred to Committee on Criminal Justice;
 1-4 March 19, 2015, reported favorably by the following vote: Yeas 6,
 1-5 Nays 0; March 19, 2015, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7 Whitmire	X			
1-8 Huffman	X			
1-9 Burton	X			
1-10 Creighton	X			
1-11 Hinojosa	X			
1-12 Menéndez			X	
1-13 Perry	X			

1-15 A BILL TO BE ENTITLED
 1-16 AN ACT

1-17 relating to the violation of certain court orders or conditions of
 1-18 bond in a family violence, sexual assault or abuse, stalking, or
 1-19 trafficking case; providing penalties.

1-20 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-21 SECTION 1. The heading to Section 25.07, Penal Code, is
 1-22 amended to read as follows:

1-23 Sec. 25.07. VIOLATION OF CERTAIN COURT ORDERS OR CONDITIONS
 1-24 OF BOND IN A FAMILY VIOLENCE, SEXUAL ASSAULT OR ABUSE, [~~OR~~]
 1-25 STALKING, OR TRAFFICKING CASE.

1-26 SECTION 2. Section 25.07(a), Penal Code, is amended to read
 1-27 as follows:

1-28 (a) A person commits an offense if, in violation of a
 1-29 condition of bond set in a family violence, sexual assault or abuse,
 1-30 [~~or~~] stalking, or trafficking case and related to the safety of a
 1-31 victim or the safety of the community, an order issued under Chapter
 1-32 7A, Code of Criminal Procedure, an order issued under Article
 1-33 17.292, Code of Criminal Procedure, an order issued under Section
 1-34 6.504, Family Code, Chapter 83, Family Code, if the temporary ex
 1-35 parte order has been served on the person, or Chapter 85, Family
 1-36 Code, or an order issued by another jurisdiction as provided by
 1-37 Chapter 88, Family Code, the person knowingly or intentionally:

1-38 (1) commits family violence or an act in furtherance
 1-39 of an offense under Section 20A.02, 22.011, 22.021, or 42.072;

1-40 (2) communicates:

1-41 (A) directly with a protected individual or a
 1-42 member of the family or household in a threatening or harassing
 1-43 manner;

1-44 (B) a threat through any person to a protected
 1-45 individual or a member of the family or household; or

1-46 (C) in any manner with the protected individual
 1-47 or a member of the family or household except through the person's
 1-48 attorney or a person appointed by the court, if the violation is of
 1-49 an order described by this subsection and the order prohibits any
 1-50 communication with a protected individual or a member of the family
 1-51 or household;

1-52 (3) goes to or near any of the following places as
 1-53 specifically described in the order or condition of bond:

1-54 (A) the residence or place of employment or
 1-55 business of a protected individual or a member of the family or
 1-56 household; or

1-57 (B) any child care facility, residence, or school
 1-58 where a child protected by the order or condition of bond normally
 1-59 resides or attends;

1-60 (4) possesses a firearm; or

1-61 (5) harms, threatens, or interferes with the care,

2-1 custody, or control of a pet, companion animal, or assistance
2-2 animal that is possessed by a person protected by the order or
2-3 condition of bond.

2-4 SECTION 3. Section 25.07(b), Penal Code, is amended by
2-5 adding Subdivision (7) to read as follows:

2-6 (7) "Trafficking" means any conduct that constitutes
2-7 an offense under Section 20A.02.

2-8 SECTION 4. The heading to Section 25.072, Penal Code, is
2-9 amended to read as follows:

2-10 Sec. 25.072. REPEATED VIOLATION OF CERTAIN COURT ORDERS OR
2-11 CONDITIONS OF BOND IN FAMILY VIOLENCE, SEXUAL ASSAULT OR ABUSE,
2-12 STALKING, OR TRAFFICKING CASE.

2-13 SECTION 5. Articles 14.03(a) and (b), Code of Criminal
2-14 Procedure, are amended to read as follows:

2-15 (a) Any peace officer may arrest, without warrant:

2-16 (1) persons found in suspicious places and under
2-17 circumstances which reasonably show that such persons have been
2-18 guilty of some felony, violation of Title 9, Chapter 42, Penal Code,
2-19 breach of the peace, or offense under Section 49.02, Penal Code, or
2-20 threaten, or are about to commit some offense against the laws;

2-21 (2) persons who the peace officer has probable cause
2-22 to believe have committed an assault resulting in bodily injury to
2-23 another person and the peace officer has probable cause to believe
2-24 that there is danger of further bodily injury to that person;

2-25 (3) persons who the peace officer has probable cause
2-26 to believe have committed an offense defined by Section 25.07,
2-27 Penal Code [~~(violation of Protective Order), or by Section 38.112,~~
2-28 ~~Penal Code (violation of Protective Order issued on basis of sexual~~
2-29 ~~assault)], if the offense is not committed in the presence of the
2-30 peace officer;~~

2-31 (4) persons who the peace officer has probable cause
2-32 to believe have committed an offense involving family violence;

2-33 (5) persons who the peace officer has probable cause
2-34 to believe have prevented or interfered with an individual's
2-35 ability to place a telephone call in an emergency, as defined by
2-36 Section 42.062(d), Penal Code, if the offense is not committed in
2-37 the presence of the peace officer; or

2-38 (6) a person who makes a statement to the peace officer
2-39 that would be admissible against the person under Article 38.21 and
2-40 establishes probable cause to believe that the person has committed
2-41 a felony.

2-42 (b) A peace officer shall arrest, without a warrant, a
2-43 person the peace officer has probable cause to believe has
2-44 committed an offense under Section 25.07, Penal Code [~~(violation of~~
2-45 ~~Protective Order), or Section 38.112, Penal Code (violation of~~
2-46 ~~Protective Order issued on basis of sexual assault)], if the
2-47 offense is committed in the presence of the peace officer.~~

2-48 SECTION 6. Sections 411.042(b) and (g), Government Code,
2-49 are amended to read as follows:

2-50 (b) The bureau of identification and records shall:

2-51 (1) procure and file for record photographs, pictures,
2-52 descriptions, fingerprints, measurements, and other pertinent
2-53 information of all persons arrested for or charged with a criminal
2-54 offense or convicted of a criminal offense, regardless of whether
2-55 the conviction is probated;

2-56 (2) collect information concerning the number and
2-57 nature of offenses reported or known to have been committed in the
2-58 state and the legal steps taken in connection with the offenses, and
2-59 other information useful in the study of crime and the
2-60 administration of justice, including information that enables the
2-61 bureau to create a statistical breakdown of:

2-62 (A) offenses in which family violence was
2-63 involved;

2-64 (B) offenses under Sections 22.011 and 22.021,
2-65 Penal Code; and

2-66 (C) offenses under Sections 20A.02 and 43.05,
2-67 Penal Code;

2-68 (3) make ballistic tests of bullets and firearms and
2-69 chemical analyses of bloodstains, cloth, materials, and other

3-1 substances for law enforcement officers of the state;

3-2 (4) cooperate with identification and crime records

3-3 bureaus in other states and the United States Department of

3-4 Justice;

3-5 (5) maintain a list of all previous background checks

3-6 for applicants for any position regulated under Chapter 1702,

3-7 Occupations Code, who have undergone a criminal history background

3-8 check under Section 411.119, if the check indicates a Class B

3-9 misdemeanor or equivalent offense or a greater offense;

3-10 (6) collect information concerning the number and

3-11 nature of protective orders and all other pertinent information

3-12 about all persons on active protective orders, including pertinent

3-13 information about persons subject to conditions of bond imposed for

3-14 the protection of the victim in any family violence, sexual assault

3-15 or abuse, ~~or~~ stalking, or trafficking case. Information in the

3-16 law enforcement information system relating to an active protective

3-17 order shall include:

3-18 (A) the name, sex, race, date of birth, personal

3-19 descriptors, address, and county of residence of the person to whom

3-20 the order is directed;

3-21 (B) any known identifying number of the person to

3-22 whom the order is directed, including the person's social security

3-23 number or driver's license number;

3-24 (C) the name and county of residence of the

3-25 person protected by the order;

3-26 (D) the residence address and place of employment

3-27 or business of the person protected by the order, unless that

3-28 information is excluded from the order under Section 85.007, Family

3-29 Code;

3-30 (E) the child-care facility or school where a

3-31 child protected by the order normally resides or which the child

3-32 normally attends, unless that information is excluded from the

3-33 order under Section 85.007, Family Code;

3-34 (F) the relationship or former relationship

3-35 between the person who is protected by the order and the person to

3-36 whom the order is directed;

3-37 (G) the conditions of bond imposed on the person

3-38 to whom the order is directed, if any, for the protection of a

3-39 victim in any family violence, sexual assault or abuse, ~~or~~

3-40 stalking, or trafficking case; and

3-41 (H) the date the order expires;

3-42 (7) grant access to criminal history record

3-43 information in the manner authorized under Subchapter F;

3-44 (8) collect and disseminate information regarding

3-45 offenders with mental impairments in compliance with Chapter 614,

3-46 Health and Safety Code; and

3-47 (9) record data and maintain a state database for a

3-48 computerized criminal history record system and computerized

3-49 juvenile justice information system that serves:

3-50 (A) as the record creation point for criminal

3-51 history record information and juvenile justice information

3-52 maintained by the state; and

3-53 (B) as the control terminal for the entry of

3-54 records, in accordance with federal law and regulations, federal

3-55 executive orders, and federal policy, into the federal database

3-56 maintained by the Federal Bureau of Investigation.

3-57 (g) The department may adopt reasonable rules under this

3-58 section relating to:

3-59 (1) law enforcement information systems maintained by

3-60 the department;

3-61 (2) the collection, maintenance, and correction of

3-62 records;

3-63 (3) reports of criminal history information submitted

3-64 to the department;

3-65 (4) active protective orders and reporting procedures

3-66 that ensure that information relating to the issuance and dismissal

3-67 of an active protective order is reported to the local law

3-68 enforcement agency at the time of the order's issuance or dismissal

3-69 and entered by the local law enforcement agency in the state's law

4-1 enforcement information system;

4-2 (5) the collection of information described by
4-3 Subsection (h);

4-4 (6) a system for providing criminal history record
4-5 information through the criminal history clearinghouse under
4-6 Section 411.0845; and

4-7 (7) active conditions of bond imposed on a defendant
4-8 for the protection of a victim in any family violence, sexual
4-9 assault or abuse, ~~or~~ stalking, or trafficking case, and reporting
4-10 procedures that ensure that information relating to the issuance,
4-11 modification, or removal of the conditions of bond is reported, at
4-12 the time of the issuance, modification, or removal, to:

4-13 (A) the victim or, if the victim is deceased, a
4-14 close relative of the victim; and

4-15 (B) the local law enforcement agency for entry by
4-16 the local law enforcement agency in the state's law enforcement
4-17 information system.

4-18 SECTION 7. Section 38.112, Penal Code, is repealed.

4-19 SECTION 8. The change in law made by this Act applies only
4-20 to an offense committed on or after the effective date of this Act.
4-21 An offense committed before the effective date of this Act is
4-22 governed by the law in effect on the date the offense was committed,
4-23 and the former law is continued in effect for that purpose. For
4-24 purposes of this section, an offense was committed before the
4-25 effective date of this Act if any element of the offense occurred
4-26 before that date.

4-27 SECTION 9. This Act takes effect September 1, 2015.

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