By: Rodríguez   S.B. No. 630

A BILL TO BE ENTITLED

1   AN ACT

2 relating to protective orders for certain victims of sexual assault

3 or abuse, stalking, or trafficking.

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

5   SECTION 1. Article 7A.01(a), Code of Criminal Procedure, is

6 amended to read as follows:

7   (a) The following persons may file an application for a

8 protective order under this chapter without regard to the

9 relationship between the applicant and the alleged offender:

10   (1) a person who is the victim of an offense under

11 Section 21.02, 21.11, 22.011, 22.021, or 42.072, Penal Code;

12   (2) a person who is the victim of an offense under

13 Section 20A.02, 20A.03, or 43.05, Penal Code;

14   (3) a parent or guardian acting on behalf of a person

15 younger than 17 years of age who is the victim of an offense listed

16 in Subdivision (1);

17   (4) a parent or guardian acting on behalf of a person

18 younger than 18 years of age who is the victim of an offense listed

19 in Subdivision (2); or

20   (5) a prosecuting attorney acting on behalf of a

21 person described by Subdivision (1), [or] (2), (3), or (4).

22   SECTION 2. The heading to Article 56.021, Code of Criminal

23 Procedure, is amended to read as follows:

24   Art. 56.021. RIGHTS OF VICTIM OF SEXUAL ASSAULT OR ABUSE,

1

1 STALKING, OR TRAFFICKING.

2   SECTION 3. Article 56.021, Code of Criminal Procedure, is

3 amended by adding Subsection (d) to read as follows:

4   (d) This subsection applies only to a victim of an offense

5 under Section 20A.02, 20A.03, 21.02, 21.11, 22.011, 22.021, 42.072,

6 or 43.05, Penal Code. In addition to the rights enumerated in

7 Article 56.02 and, if applicable, Subsection (a) of this article, a

8 victim described by this subsection or a parent or guardian of the

9 victim is entitled to the following rights within the criminal

10 justice system:

11   (1) the right to request that the attorney

12 representing the state, on request of the victim or victim's parent

13 or guardian, as applicable, and subject to the Texas Disciplinary

14 Rules of Professional Conduct, file an application for a protective

15 order under Article 7A.01 on behalf of the victim;

16   (2) the right to be informed:

17   (A) that the victim or the victim's parent or

18 guardian, as applicable, may file an application for a protective

19 order under Article 7A.01;

20   (B) of the court in which the application for a

21 protective order may be filed; and

22   (C) that, on request of the victim or victim's

23 parent or guardian, as applicable, and subject to the Texas

24 Disciplinary Rules of Professional Conduct, the attorney

25 representing the state is required to file the application for a

26 protective order;

27   (3) if the victim or victim's parent or guardian, as

1 applicable, is present when the defendant is convicted or placed on

2 deferred adjudication community supervision, the right to be given

3 by the court the information described by Subdivision (2) and, if

4 the court has jurisdiction over applications for protective orders

5 that are filed under Article 7A.01, the right to file an application

6 for a protective order immediately following the defendant's

7 conviction or placement on deferred adjudication community

8 supervision; and

9   (4) if the victim or victim's parent or guardian, as

10 applicable, is not present when the defendant is convicted or

11 placed on deferred adjudication community supervision, the right to

12 be given by the attorney representing the state the information

13 described by Subdivision (2).

14   SECTION 4. The change in law made by this Act applies to a

15 victim of criminally injurious conduct for which a judgment of

16 conviction is entered or a grant of deferred adjudication is made on

17 or after the effective date of this Act, regardless of whether the

18 criminally injurious conduct occurred before, on, or after the

19 effective date of this Act.

20   SECTION 5. This Act takes effect September 1, 2015.