

BILL ANALYSIS

H.B. 472
By: Dale
Judiciary & Civil Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Interested parties contend that perpetrators of certain acts of serious or repeated violence that result in the issuance of a protective order for the victim of such acts should not be allowed to file multiple motions to challenge the continuing need for that protective order. H.B. 472 seeks to provide increased protection for such victims by limiting the number of such motions to one and by prohibiting any such motion relating to a protective order issued for a victim of sexual assault or abuse, stalking, or trafficking.

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

H.B. 472 amends the Family Code to limit to one the number of subsequent motions that a person who is the subject of a protective order issued under statutory provisions governing protective orders and family violence and effective for a period that exceeds two years as a result of certain acts of serious or repeated violence may file following the filing of the person's initial motion requesting that the court review the protective order and determine whether there is a continuing need for the order. The bill makes the authorization for a person to file an initial motion for such review and determination inapplicable to a protective order issued for a victim of sexual assault or abuse, stalking, or trafficking.

H.B. 472 repeals Article 7A.07(c), Code of Criminal Procedure, which extends the duration of a protective order for a victim of sexual assault or abuse, stalking, or trafficking if the person who is the subject of such order is confined or imprisoned on the date such order is due to expire.

EFFECTIVE DATE

September 1, 2017.