

By: Dale, Villalba

H.B. No. 472

A BILL TO BE ENTITLED

AN ACT

relating to judicial review of protective orders and the duration of those orders.

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

SECTION 1. Section 85.025, Family Code, is amended by amending Subsection (b) and adding Subsections (b-1), (b-2), and (b-3) to read as follows:

(b) A person who is the subject of a protective order may file a motion not earlier than the first anniversary of the date on which the order was rendered requesting that the court review the protective order and determine whether there is a continuing need for the order.

(b-1) Following the filing of a motion under Subsection (b),  
a [A] person who is the subject of a protective order issued under  
Subsection (a-1) that is effective for a period that exceeds two  
years may file not more than one [a] subsequent motion requesting  
that the court review the protective order and determine whether  
there is a continuing need for the order. The subsequent motion may  
not be filed earlier than the first anniversary of the date on which  
the court rendered an order on the [a] previous motion by the person  
[under this subsection].

(b-2) After a hearing on a [the] motion under Subsection (b)  
or (b-1), if the court does not make a finding that there is no  
continuing need for the protective order, the protective order

1 remains in effect until the date the order expires under this  
2 section. Evidence of the movant's compliance with the protective  
3 order does not by itself support a finding by the court that there  
4 is no continuing need for the protective order. If the court finds  
5 there is no continuing need for the protective order, the court  
6 shall order that the protective order expires on a date set by the  
7 court.

8 (b-3) Subsection (b) does not apply to a protective order  
9 issued under Chapter 7A, Code of Criminal Procedure.

10 SECTION 2. Article 7A.07(c), Code of Criminal Procedure, is  
11 repealed.

12 SECTION 3. The changes in law made by this Act apply only to  
13 a protective order issued on or after the effective date of this  
14 Act. A protective order issued before the effective date of this  
15 Act is governed by the law in effect on the date the order is issued,  
16 and the former law is continued in effect for that purpose.

17 SECTION 4. This Act takes effect September 1, 2017.