

1-1 By: Taylor of Collin S.B. No. 257
 1-2 (In the Senate - Filed November 29, 2016; January 30, 2017,
 1-3 read first time and referred to Committee on State Affairs;
 1-4 April 11, 2017, reported favorably by the following vote: Yeas 9,
 1-5 Nays 0; April 11, 2017, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			

1-17 A BILL TO BE ENTITLED
 1-18 AN ACT

1-19 relating to judicial review of protective orders and the duration
 1-20 of those orders.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-22 SECTION 1. Section 85.025, Family Code, is amended by
 1-23 amending Subsection (b) and adding Subsections (b-1), (b-2), and
 1-24 (b-3) to read as follows:

1-25 (b) A person who is the subject of a protective order may
 1-26 file a motion not earlier than the first anniversary of the date on
 1-27 which the order was rendered requesting that the court review the
 1-28 protective order and determine whether there is a continuing need
 1-29 for the order.

1-30 (b-1) Following the filing of a motion under Subsection (b),
 1-31 a [A] person who is the subject of a protective order issued under
 1-32 Subsection (a-1) that is effective for a period that exceeds two
 1-33 years may file not more than one [a] subsequent motion requesting
 1-34 that the court review the protective order and determine whether
 1-35 there is a continuing need for the order. The subsequent motion may
 1-36 not be filed earlier than the first anniversary of the date on which
 1-37 the court rendered an order on the [a] previous motion by the person
 1-38 [under this subsection].

1-39 (b-2) After a hearing on a [the] motion under Subsection (b)
 1-40 or (b-1), if the court does not make a finding that there is no
 1-41 continuing need for the protective order, the protective order
 1-42 remains in effect until the date the order expires under this
 1-43 section. Evidence of the movant's compliance with the protective
 1-44 order does not by itself support a finding by the court that there
 1-45 is no continuing need for the protective order. If the court finds
 1-46 there is no continuing need for the protective order, the court
 1-47 shall order that the protective order expires on a date set by the
 1-48 court.

1-49 (b-3) Subsection (b) does not apply to a protective order
 1-50 issued under Chapter 7A, Code of Criminal Procedure.

1-51 SECTION 2. Article 7A.07(c), Code of Criminal Procedure, is
 1-52 repealed.

1-53 SECTION 3. The changes in law made by this Act apply only to
 1-54 a protective order issued on or after the effective date of this
 1-55 Act. A protective order issued before the effective date of this
 1-56 Act is governed by the law in effect on the date the order is issued,
 1-57 and the former law is continued in effect for that purpose.

1-58 SECTION 4. This Act takes effect September 1, 2017.

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