

BILL ANALYSIS

C.S.H.B. 1686
By: Smith
Criminal Jurisprudence
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Concerns have been raised regarding the period after which most protective orders for victims of sexual offenses or human trafficking expire. It has been suggested that this period is too short to effectively protect victims who may remain vulnerable after the expiration of such a protective order. C.S.H.B. 1686 seeks to make certain protective orders effective for the duration of the victim's life and to enhance the penalty for violating such an order.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill expressly does one or more of the following: creates a criminal offense, increases the punishment for an existing criminal offense or category of offenses, or changes 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

C.S.H.B. 1686 amends the Code of Criminal Procedure to require an attorney representing the state, if an application for a protective order for a victim of certain offenses has not yet been filed, to promptly file such an application with respect to each victim following the offender's conviction of or placement on deferred adjudication community supervision for the following offenses: continuous sexual abuse of a young child or children, indecency with a child, sexual assault, aggravated sexual assault, stalking, trafficking or continuous trafficking of persons, or compelling prostitution. The bill prohibits the attorney representing the state from filing such an application with respect to a victim who is at least 18 years of age if the victim requests that the attorney not file the application. The bill establishes that a conviction or placement on deferred adjudication community supervision for such an offense constitutes reasonable grounds for such a protective order application for purposes of an application hearing. The bill requires the court to issue such a protective order effective for the duration of the lives of the offender and victim if the offender is convicted of or placed on deferred adjudication community supervision for such an offense and is required to register for life as a sex offender under the sex offender registration program.

C.S.H.B. 1686 amends the Penal Code to enhance from a Class A misdemeanor to a state jail felony the penalty for the offense of violation of certain court orders or bond conditions in certain cases if it is shown at the trial of the offense that the defendant violated such a protective order issued based on an application filed by an attorney representing the state under the bill's provisions.

EFFECTIVE DATE

September 1, 2019.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 1686 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute includes a prohibition against the attorney representing the state from filing an application for a protective order for a victim with respect to a victim who is at least 18 years of age if the victim requests that the attorney not file the application.

The substitute includes the condition that an offender must be required to register for life as a sex offender in order for the court to be required to issue a lifetime protective order.