

BILL ANALYSIS

H.B. 3567
By: Farrar
Juvenile Justice & Family Issues
Committee Report (Unamended)

BACKGROUND AND PURPOSE

It has been noted that there are certain barriers to obtaining a protective order for victims of family violence, including who is eligible to apply for the order, whether the order can be enforced, or when a hearing relating to the order can occur. Concerns have been raised regarding the possibility that these barriers can have dangerous consequences for victims as well as their families. H.B. 3567 seeks to eliminate these barriers to obtaining and enforcing protective orders for victims of sexual assault, stalking, family violence, and human 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. 3567 amends the Family Code to replace the authorization for a respondent to facilitate settlement by agreeing in writing to the terms of a protective order applying to a person who committed family violence with an authorization for the parties to a proceeding to facilitate settlement by agreeing in writing to a protective order applying to such a person and to both parties to the proceeding. The bill clarifies that an agreed protective order is enforceable civilly or criminally regardless of whether the court makes the required findings that family violence has occurred and family violence is likely to occur in the future. The bill conditions a court's authority to render a default protective order that is binding on a respondent who does not attend a hearing on proof of service having been filed with the court before the hearing.

H.B. 3567 amends the Code of Criminal Procedure to authorize any adult acting on behalf of a child or on behalf of an adult ward who is the victim of the offense of trafficking of persons, continuous trafficking of persons, continuous sexual abuse of young child or children, indecency with a child, sexual assault, aggravated sexual assault, stalking, or compelling prostitution to file an application for a protective order under provisions relating to protective orders for victims of those offenses without regard to the relationship between the applicant and the alleged offender. The bill raises the minimum age at which a victim of such an offense may file at any time an application with the court to rescind the protective order from 17 years of age to 18 years of age, includes the person who filed the application for the protective order among the persons authorized to file an application to rescind the protective order, and prohibits a parent or guardian from filing an application to rescind the protective order if the parent or guardian is the alleged offender subject to the protective order.

EFFECTIVE DATE

September 1, 2019.