

AN ACT

relating to the prosecution of the criminal offense of improper contact with a victim and to protective orders for victims of certain offenses; enhancing a criminal penalty.

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

SECTION 1. Article 7A.01, Code of Criminal Procedure, is amended by adding Subsections (a-1) and (a-2) to read as follows:

(a-1) Except as provided by Subsection (a-2), if an application has not yet been filed in the case under Subsection (a), the attorney representing the state shall promptly file an application for a protective order with respect to each victim of an offense listed in Subdivision (1) or (2) of that subsection following the offender's conviction of or placement on deferred adjudication community supervision for the offense.

(a-2) The attorney representing the state may not file an application under Subsection (a-1) with respect to a victim who is at least 18 years of age if the victim requests that the attorney representing the state not file the application.

SECTION 2. Article 7A.03, Code of Criminal Procedure, is amended by adding Subsection (c) to read as follows:

(c) An offender's conviction of or placement on deferred adjudication community supervision for an offense listed in Article 7A.01(a)(1) or (2) constitutes reasonable grounds under Subsection (a).

1 SECTION 3. Article 7A.07, Code of Criminal Procedure, is
2 amended by adding Subsection (a-1) to read as follows:

3 (a-1) The court shall issue a protective order effective for
4 the duration of the lives of the offender and victim if the offender
5 is:

6 (1) convicted of or placed on deferred adjudication
7 community supervision for an offense listed in Article 7A.01(a)(1)
8 or (2); and

9 (2) required under Chapter 62 to register for life as a
10 sex offender.

11 SECTION 4. Section 25.07(g), Penal Code, is amended to read
12 as follows:

13 (g) An offense under this section is a Class A misdemeanor,
14 except the offense is:

15 (1) subject to Subdivision (2), a state jail felony if
16 it is shown at the trial of the offense that the defendant violated
17 an order issued as a result of an application filed under Article
18 7A.01(a-1), Code of Criminal Procedure; or

19 (2) a felony of the third degree if it is shown on the
20 trial of the offense that the defendant:

21 (A) [~~(1)~~] has previously been convicted two or
22 more times of an offense under this section or two or more times of
23 an offense under Section 25.072, or has previously been convicted
24 of an offense under this section and an offense under Section
25 25.072; or

26 (B) [~~(2)~~] has violated the order or condition of
27 bond by committing an assault or the offense of stalking.

1 SECTION 5. Section 38.111(a), Penal Code, is amended to
2 read as follows:

3 (a) A person commits an offense if the person, while
4 confined in a correctional facility after being charged with or
5 convicted of an offense listed in Article 62.001(5), Code of
6 Criminal Procedure, contacts by letter, telephone, or any other
7 means, either directly or through a third party, a victim of the
8 offense or a member of the victim's family, if [+

9 ~~[(1) the victim was younger than 17 years of age at the~~
10 ~~time of the commission of the offense for which the person is~~
11 ~~confined; and~~

12 ~~[(2)]~~ the director of the correctional facility has
13 not, before the person makes contact with the victim:

14 (1) ~~[(A)]~~ received written and dated consent to the
15 contact from:

16 (A) the victim, if the victim was 17 years of age
17 or older at the time of the commission of the offense for which the
18 person is confined; or

19 (B) if the victim was younger than 17 years of age
20 at the time of the commission of the offense for which the person is
21 confined:

22 (i) a parent of the victim;
23 (ii) a legal guardian of the victim;
24 (iii) the victim, if the victim is 17 years
25 of age or older at the time of giving the consent; or

26 (iv) a member of the victim's family who is
27 17 years of age or older; and

1 (2) [~~(B)~~] provided the person with a copy of the
2 consent.

3 SECTION 6. The changes in law made by this Act to Chapter
4 7A, Code of Criminal Procedure, apply only to a judgment of
5 conviction entered on or after the effective date of this Act or a
6 grant of deferred adjudication community supervision made on or
7 after the effective date of this Act.

8 SECTION 7. The change in law made by this Act to Section
9 38.111(a), Penal Code, applies only to an offense committed on or
10 after the effective date of this Act. An offense committed before
11 the effective date of this Act is governed by the law in effect on
12 the date the offense was committed, and the former law is continued
13 in effect for that purpose. For purposes of this section, an
14 offense was committed before the effective date of this Act if any
15 element of the offense occurred before that date.

16 SECTION 8. This Act takes effect September 1, 2019.

President of the Senate

Speaker of the House

I certify that H.B. No. 1343 was passed by the House on April 25, 2019, by the following vote: Yeas 133, Nays 0, 2 present, not voting; and that the House concurred in Senate amendments to H.B. No. 1343 on May 23, 2019, by the following vote: Yeas 139, Nays 1, 1 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 1343 was passed by the Senate, with amendments, on May 17, 2019, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor