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H.B. No. 1686

A BILL TO BE ENTITLED

AN ACT

relating to the application for and duration of a protective order 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).

SECTION 3. Article 7A.07, Code of Criminal Procedure, is

amended by adding Subsection (a-1) to read as follows:

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

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

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

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

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

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

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

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

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

SECTION 5. The changes in law made by this Act to Chapter

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1 7A, Code of Criminal Procedure, apply only to a judgment of
2 conviction entered on or after the effective date of this Act or a
3 grant of deferred adjudication community supervision made on or
4 after the effective date of this Act.

5 SECTION 6. This Act takes effect September 1, 2019.