

By: Rodríguez

S.B. No. 801

A BILL TO BE ENTITLED

AN ACT

relating to protective orders.

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

SECTION 1. Sections 85.005(a) and (b), Family Code, are amended to read as follows:

(a) To facilitate settlement, the parties to a proceeding may agree in writing to ~~[the terms of]~~ a protective order as provided by Sections ~~[Section]~~ 85.021 and 85.022. An agreement under this subsection is subject to the approval of the court. The court may not approve an agreement that requires the applicant for the protective order to do or refrain from doing an act under Section 85.022.

(b) An ~~[To facilitate settlement, a respondent may agree in writing to the terms of a protective order as provided by Section 85.022, subject to the approval of the court. The court may not approve an agreement that requires the applicant to do or refrain from doing an act under Section 85.022. The]~~ agreed protective order is enforceable civilly or criminally, regardless of whether the court makes the findings required by Section 85.001.

SECTION 2. Section 85.006(a), Family Code, is amended to read as follows:

(a) Notwithstanding Rule 107, Texas Rules of Civil Procedure, a [A] court may render a protective order that is binding on a respondent who does not attend a hearing if:

1 (1) the respondent received service of the application
2 and notice of the hearing; and

3 (2) proof of service was filed with the court before
4 the hearing.

5 SECTION 3. Article 7A.01(a), Code of Criminal Procedure, is
6 amended to read as follows:

7 (a) The following persons may file an application for a
8 protective order under this chapter without regard to the
9 relationship between the applicant and the alleged offender:

10 (1) a person who is the victim of an offense under
11 Section 20A.02, 20A.03, 21.02, 21.11, 22.011, 22.021, [ex] 42.072,
12 or 43.05, Penal Code;

13 (2) any adult acting on behalf of a child or on behalf
14 of an adult ward who is the victim of an offense listed in
15 Subdivision (1) [a person who is the victim of an offense under
16 Section 20A.02, 20A.03, or 43.05, Penal Code]; or

17 (3) ~~[a parent or guardian acting on behalf of a person~~
18 ~~younger than 17 years of age who is the victim of an offense listed~~
19 ~~in Subdivision (1);~~

20 ~~[(4) a parent or guardian acting on behalf of a person~~
21 ~~younger than 18 years of age who is the victim of an offense listed~~
22 ~~in Subdivision (2); or~~

23 ~~[(5)]~~ a prosecuting attorney acting on behalf of a
24 person described by Subdivision (1) or [7] (2) [~~7~~-(3), or (4)].

25 SECTION 4. Article 7A.07, Code of Criminal Procedure, is
26 amended by amending Subsection (b) and adding Subsection (c) to
27 read as follows:

1 (b) The following persons may file at any time an
2 application with the court to rescind the protective order:

3 (1) a victim of an offense listed in Article
4 7A.01(a)(1) who is 18 [~~17~~] years of age or older;

5 (2) subject to Subsection (c), [~~or~~] a parent or
6 guardian acting on behalf of a victim of an offense listed in
7 Article 7A.01(a)(1) who is younger than 18 [~~17~~] years of age; or

8 (3) the person who filed the application for the
9 protective order.

10 (c) A [~~(2) a victim of an offense listed in Article~~
11 ~~7A.01(a)(2) or a~~] parent or guardian may not file an application to
12 rescind the protective order under Subsection (b)(2) if the parent
13 or guardian is the alleged offender subject to the protective order
14 [~~acting on behalf of a victim who is younger than 18 years of age~~].

15 SECTION 5. Section 85.005, Family Code, as amended by this
16 Act, applies only to a protective order approved by the court on or
17 after the effective date of this Act.

18 SECTION 6. Section 85.006, Family Code, as amended by this
19 Act, applies only to a protective order for which the respondent
20 receives service on or after the effective date of this Act.

21 SECTION 7. Chapter 7A, Code of Criminal Procedure, as
22 amended by this Act, applies only to a protective order for which an
23 application is filed on or after the effective date of this Act.

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