

**House Bill 1343**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

No equivalent provision.

SENATE VERSION (IE)

SECTION \_\_. 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.  
[FA1(2)]

No equivalent provision.

SECTION \_\_. 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). [FA1(2)]

No equivalent provision.

SECTION \_\_. 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:

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(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. [FA1(2)]

No equivalent provision.

SECTION \_\_. 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. [FA1(2)]

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

(a) A person commits an offense if the person, while confined in a correctional facility after being charged with or convicted of an offense listed in Article 62.001(5), Code of Criminal Procedure, contacts by letter, telephone, or any

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other means, either directly or through a third party, a victim of the offense or a member of the victim's family, if [:

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

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

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

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

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

(i) a parent of the victim;

(ii) a legal guardian of the victim;

(iii) the victim, if the victim is 17 years of age or older at the time of giving the consent; or

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

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

No equivalent provision.

SENATE VERSION (IE)

CONFERENCE

SECTION \_\_. The changes in law made by this Act to Chapter 7A, Code of Criminal Procedure, apply only to a judgment of conviction entered on or after the effective date of this Act or a grant of deferred adjudication community supervision made on or after the effective date of this Act.  
[FA1(2)]

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SECTION 2. The change in law made by this Act applies only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

SECTION 3. This Act takes effect September 1, 2019.

SENATE VERSION (IE)

SECTION 2. The change in law made by this Act to Section 38.111(a), Penal Code, applies only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date. [FA1(1)]

SECTION 3. Same as House version.

CONFERENCE