

By: Sherman, Sr.

H.B. No. 258

A BILL TO BE ENTITLED

AN ACT

relating to the duration of a protective order prohibiting an offense motivated by bias or prejudice.

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

SECTION 1. Article 7B.103, Code of Criminal Procedure, is amended to read as follows:

Art. 7B.103. ENFORCEMENT. The procedure for the enforcement of a protective order under Title 4, Family Code, applies to the fullest extent practicable to the enforcement of a protective order under this subchapter, including provisions relating to findings, contents, ~~[duration,~~ warning, delivery, law enforcement duties, and modification, except that:

(1) the printed statement on the warning must refer to the prosecution of subsequent offenses committed because of bias or prejudice;

(2) a protective order issued under this subchapter may be effective:

(A) for the duration of the lives of the defendant and the person for whom the protective order is issued or for any shorter period stated in the order; or

(B) if a period is not stated in the order, until the second anniversary of the date the order was issued;

(3) the court shall require a constable to serve a protective order issued under this subchapter; and

1 (4) [~~(3)~~] the clerk of the court shall forward a copy
2 of a protective order issued under this subchapter to the
3 Department of Public Safety with a designation indicating that the
4 order was issued to prevent offenses committed because of bias or
5 prejudice.

6 SECTION 2. Subchapter C, Chapter 7B, Code of Criminal
7 Procedure, is amended by adding Article 7B.1035 to read as follows:

8 Art. 7B.1035. RESCISSION. A person for whom a protective
9 order is issued under this subchapter may file at any time an
10 application with the court to rescind the protective order.

11 SECTION 3. Section 85.025(b-3), Family Code, is amended to
12 read as follows:

13 (b-3) Subsection (b) does not apply to a protective order
14 issued under Subchapter A or C, Chapter 7B, Code of Criminal
15 Procedure.

16 SECTION 4. Article 7B.103, Code of Criminal Procedure, and
17 Section 85.025(b-3), Family Code, as amended by this Act, apply
18 only to a protective order for which an application is filed on or
19 after the effective date of this Act.

20 SECTION 5. This Act takes effect on the 91st day after the
21 last day of the legislative session.