

By: Sherman, Sr.

H.B. No. 366

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 September 1, 2021.