

BILL ANALYSIS

Senate Research Center
88R7785 JSC-D

H.B. 1423
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State Affairs
5/13/2023
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

State law provides for the extension of a protective order if the person who is the subject of the order is incarcerated on the date of expiration or if the order is set to expire within a year from the date the person is released from incarceration. This law was enacted to account for victim safety, as perpetrators of family violence may retaliate or continue abusive tactics against victims upon their release. Practically speaking, upon request of an extension of a protective order with respect to a person who is incarcerated, various courts have required modification hearings to take place, which involve notice to the person and the opportunity for them to appear in court with the victim despite the law already providing for the order's extension. Asking victims who have already sought a protective order to go through the hearing process can cause them to forgo the statutorily outlined extended protection to avoid serving the respondent, seeing them again in court, and potentially exacerbating risk. H.B. 1423 sets out requirements for providing information regarding the expiration and any possible extensions of a protective order and for the Department of Public Safety of the State of Texas to update the statewide law enforcement information system to reflect the expiration date of a protective order following the release of a person subject to the order.

H.B. 1423 amends current law relating to the expiration of a protective order when the subject of the protective order is confined or imprisoned.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 85.025, Family Code, by adding Subsection (d) to require the Department of Public Safety of the State of Texas (DPS), as soon as practicable after the release of a person who is the subject of a protective order from confinement or imprisonment, to update the statewide law enforcement information system maintained by DPS to reflect the date that the order will expire following the person's release.

SECTION 2. Amends Section 85.026, Family Code, by adding Subsection (d) to require that each protective order issued under Subtitle B (Protective Orders) specify when the order expires and provide notice of any extensions that are authorized to apply to a person who is the subject of the order, as a result of any confinement or imprisonment of that person.

SECTION 3. Makes application of Section 85.025(d), Family Code, as added by this Act, prospective.

SECTION 4. Makes application of Section 85.026(d), Family Code, as added by this Act, prospective.

SECTION 5. Effective date: September 1, 2023.