

BILL ANALYSIS

H.B. 1423
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Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

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 involves 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 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.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 1423 amends the Family Code to require the Department of Public Safety (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. This requirement applies only to a protective order with respect to a person who is subject to a protective order and who is released from confinement or imprisonment on or after the bill's effective date.

H.B. 1423 requires each protective order, including a temporary ex parte order, to specify when the order expires and provide notice of any extensions that may apply to a person who is the subject of the order as a result of any confinement or imprisonment of that person. These requirements apply only to a protective order issued on or after the bill's effective date.

EFFECTIVE DATE

September 1, 2023.