

BILL ANALYSIS

H.B. 1432
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Juvenile Justice & Family Issues
Committee Report (Unamended)

BACKGROUND AND PURPOSE

A protective order is a legal document that helps protect victims of family violence, dating violence, stalking, and sexual assault. To obtain a family violence protective order in Texas, one must prove that family violence has occurred and that it is likely to occur again in the future. This is a higher standard compared to what is required to obtain a protective order for stalking, sexual assault, or human trafficking, where one simply has to prove that the stalking, sexual assault, or human trafficking has occurred. The "likely to occur again" provision gives judges a high degree of individual discretion in deciding to grant a protective order for family violence. This discretion leads to disparities in the granting of protective orders, as this phrasing is an ambiguous standard that many survivors cannot prove definitely, thus depriving many of them of the security of a protective order. H.B. 1432 seeks to address this issue by removing the condition that the court find family violence is "likely to occur again" before issuance of a family violence protective order. This will standardize the process to obtain a protective order, aligning the requirements with the same standard as protective orders for victims of stalking, sexual assault, and human trafficking.

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. 1432 amends the Family Code to remove as a requisite condition for the issuance of a family violence protective order that the court finds family violence is likely to occur in the future. The bill revises the conditions that must be met to trigger a certain presumption that family violence has occurred for purposes of a protective order for a child who is a victim of an offense committed by the respondent by removing the condition that the respondent is seeking or attempting to seek contact with the child. The bill's provisions apply only to a protective order rendered on or after the bill's effective date.

H.B. 1432 amends the Code of Criminal Procedure to make conforming changes.

EFFECTIVE DATE

September 1, 2023.