

BILL ANALYSIS

H.B. 2092
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Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Currently, when Magistrate's Orders for Emergency Protection (MOEPs) are issued they are for either 31, 61, or 91 days. When a MOEP is issued for 31 days, it does not provide enough time for a crime victim to reorganize their life, safely seek shelter, or obtain legal representation. H.B. 2092 seeks to address these issues by increasing the duration of MOEPs.

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. 2092 amends the Code of Criminal Procedure to change the effective period of an order for emergency protection for an offense involving family violence, family violence and serious bodily injury to the victim, trafficking or continuous trafficking of persons, sexual or aggravated sexual assault, indecent assault, or stalking as follows:

- for an order authorized by a magistrate on an applicable motion or request, from up to the 61st day after the date of issuance but not less than 31 days after that date to up to the 91st day after the date of issuance but not less than 61 days after that date;
- for an order required by a magistrate for an offense involving family violence and the use or exhibition of a deadly weapon during the commission of an assault, from up to the 91st day after the date of issuance but not less than 61 days after that date to up to the 121st day after the date of issuance but not less than 91 days after that date.

The bill applies only to an order for emergency protection issued on or after the bill's effective date.

EFFECTIVE DATE

September 1, 2023.