

BILL ANALYSIS

H.B. 1863
By: Moody
Judiciary & Civil Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Under current law, protective orders may be issued for a period that exceeds two years if the court finds that the respondent committed an act constituting a felony offense involving family violence against the applicant or a member of the applicant's family or household or if certain other criteria are met. The bill author has informed the committee that some practitioners have suggested that the category of conduct covered by the existing statute is insufficient and that the duration of these protective orders is too short to properly protect victims. H.B. 1863 seeks to provide stronger protections for victims of family violence by making protective orders applicable to any person found to have committed family violence and by authorizing such a protective order to be effective for the lives of victims protected by 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. 1863 amends the Family Code to revise the authorization for a court to render a protective order sufficient to protect the applicant and their family or household members that is effective for a period that exceeds two years by making such an order applicable only to a person found to have committed family violence and by removing the condition that the court find that the person who is the subject of the protective order:

- committed an act constituting a felony offense involving family violence against the applicant or a member of the applicant's family or household, regardless of whether the person has been charged with or convicted of the offense;
- caused serious bodily injury to the applicant or a member of the applicant's family or household; or
- was the subject of two or more previous protective orders rendered to protect the person on whose behalf the current protective order is sought and after a finding by the court that the subject has committed family violence.

The bill authorizes the protective order to be effective for the lives of the persons protected by the protective order and the person who is the subject of the protective order.

H.B. 1863 repeals Section 85.001(d), Family Code.

H.B. 1863 applies only to a protective order rendered on or after the bill's effective date. A protective order rendered before the bill's effective date is governed by the law in effect on the date the order is rendered, and the former law is continued in effect for that purpose.

EFFECTIVE DATE

September 1, 2025.