

BILL ANALYSIS

C.S.H.B. 2496
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Judiciary & Civil Jurisprudence
Committee Report (Substituted)

BACKGROUND AND PURPOSE

The bill author has informed the committee that a court is currently compelled to grant a protective order if the court finds that an instance of family violence has occurred, regardless of the time that has elapsed since the alleged act of family violence. The bill author has also informed the committee that this requirement undermines the stated purpose of these orders, which courts have consistently identified as being to provide immediate humanitarian relief to victims rather than to address historical grievances. C.S.H.B. 2496 seeks to address this issue by establishing concrete conditions on the requirement for a court to grant a protective order, striking a balance between ensuring timely relief for victims and preventing the misuse of protective orders as retrospective corrective measures.

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

C.S.H.B. 2496 amends the Family Code to condition the issuance of a family violence protective order on the court finding that the occurrence of the family violence was during the two-year period preceding the filing of the application for the order or that the respondent was imprisoned or confined for an offense involving family violence and has been released from prison or jail during the two-year period preceding the filing of the application for the order. The bill makes related changes in provisions describing the circumstances under which there is a presumption that family violence has occurred for purposes of family violence protective orders.

C.S.H.B. 2496 amends the Code of Criminal Procedure to make conforming changes.

C.S.H.B. 2496 applies only to an application for a protective order filed on or after the bill's effective date. An application for a protective order filed before that date is governed by the law in effect on the date the application is filed, and the former law is continued in effect for that purpose.

EFFECTIVE DATE

September 1, 2025.

COMPARISON OF INTRODUCED AND SUBSTITUTE

While C.S.H.B. 2496 may differ from the introduced in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

While both the introduced and the substitute condition the issuance of a family violence protective order on the court finding that the occurrence of the family violence was during the two-year period preceding the filing of the application for the order, the substitute includes as an alternative condition that the respondent was imprisoned or confined for an offense involving family violence and has been released from prison or jail during the two-year period preceding the filing of the application for the order, which the introduced did not do.

The substitute includes conforming amendments to provisions in the Code of Criminal Procedure that the introduced did not include.