

BILL ANALYSIS

Senate Research Center
89R21626 JSC-F

H.B. 2596
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Criminal Justice
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Under current law, victims of sexual assault, aggravated sexual assault, stalking, and trafficking are eligible for protective orders, regardless of their relationship to the perpetrator. Victims of burglaries—including burglaries committed with the intent to facilitate sexual assault or stalking—are not entitled to the same protections. What's more, burglaries can cause lasting trauma and fear, as the intruder knows where the victim lives and may be familiar with aspects of their daily routines. H.B. 2596 seeks to close this gap by extending the existing authorization for certain victims to file for and obtain protective orders following a burglary of a habitation. By allowing protective orders for victims of first- and second-degree burglaries, the bill would better protect persons at risk of repeated victimization, stalking, or abuse.

H.B. 2596 amends current law relating to the issuance of certain protective orders for certain burglary offenses.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends the heading to Subchapter A, Chapter 7B, Code of Criminal Procedure, to read as follows:

SUBCHAPTER A. PROTECTIVE ORDER FOR VICTIMS OF CERTAIN SEXUAL, STALKING, TRAFFICKING, OR BURGLARY OFFENSES

SECTION 2. Amends Articles 7B.001(a) and (a-1), Code of Criminal Procedure, as follows:

(a) Authorizes the following persons to file an application for a protective order under this subchapter without regard to the relationship between the applicant and the alleged offender:

(1) makes no changes to this subdivision;

(2) a person who is the victim of an offense under Section 30.02 (Burglary), Penal Code, that is punishable under Subsection (c)(2) (relating to providing that an offense under Section 30.02 is a felony of the second degree if committed in a habitation) or (d) (relating to providing that an offense under Section 30.02 is a felony of the first degree if certain criteria are met) of that section;

(3) any adult, including a parent or guardian, who is acting on behalf of a victim described by Subdivision (1) (relating to authorizing a person who is the victim of an offense under certain sections of the Penal Code to file an application for a protective order) or (2), if the victim is younger than 18 years of age or an adult ward; or

(4) a prosecuting attorney acting on behalf of a person described by Subdivision (1), (2), or (3).

Makes nonsubstantive changes to this subsection.

(a-1) Requires the attorney representing the state, except as provided by Subsection (a-2) (relating to prohibiting the attorney representing the state from filing an application under Subsection (a-1) with respect to a victim if the victim requests that the attorney not file the application), if an application has not yet been filed in the case under Subsection (a), to promptly file an application for a protective order with respect to each victim of an offense listed in Subdivision (1) or (2) of that subsection following the offender's conviction of or placement on deferred adjudication community supervision for the offense.

SECTION 3. Amends Article 7B.002(a), Code of Criminal Procedure, as follows:

(a) Authorizes a court, if the court finds from the information contained in an application for a protective order that there is a clear and present danger of conduct described by Article 7B.001(a)(1) or (2) or other harm to the applicant, rather than clear and present danger of sexual assault or abuse, indecent assault, stalking, trafficking, or other harm to the applicant, without further notice to the alleged offender and without a hearing, to issue a temporary ex parte order for the protection of the applicant or any other member of the applicant's family or household.

SECTION 4. Amends Articles 7B.003(a), (b), and (c), Code of Criminal Procedure, to make conforming changes.

SECTION 5. Amends Articles 7B.007(a-1) and (b), Code of Criminal Procedure, to make conforming changes.

SECTION 6. Amends the heading to Article 56A.052, Code of Criminal Procedure, to read as follows:

Art. 56A.052. ADDITIONAL RIGHTS OF VICTIMS OF CERTAIN SEXUAL, STALKING, TRAFFICKING, OR BURGLARY OFFENSES.

SECTION 7. Amends Article 56A.052(d), Code of Criminal Procedure, to provide that this subsection applies only to a victim of an offense listed in Article 7B.001(a)(1) or (2), rather than under certain sections of the Penal Code.

SECTION 8. Provides that, to the extent of any conflict, this Act prevails over another Act of the 89th Legislature, Regular Session, 2025, relating to nonsubstantive additions to and corrections in enacted codes.

SECTION 9. Effective date: September 1, 2025.