

BILL ANALYSIS

C.S.H.B. 2596
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Criminal Jurisprudence
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Current law provides for protective orders for victims of certain sexual assault, stalking, and trafficking offenses. However, the bill author has informed the committee that when someone breaks into a home, even with the intent to commit another felony offense such as sexual assault, the victim is not entitled to a protective order. C.S.H.B. 2596 seeks to help victims who experience such a burglary be able to feel safe in their own homes by extending the existing authorization for certain victims to file and obtain a protective order to the victim of a burglary of a habitation.

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. 2596 amends the Code of Criminal Procedure to extend the authorization for a victim of certain sexual, stalking, or trafficking offenses to file an application for a protective order without regard to the relationship between the applicant and the alleged offender to a victim of first or second degree felony burglary of a habitation. Accordingly, the bill extends the following to a person who is a victim of that burglary conduct:

- the authorization for any adult, acting on behalf of a victim of such an offense who is younger than 18 years of age or an adult ward, or a prosecuting attorney acting on behalf of such a victim to file an application for such a protective order; and
- the requirement for the state's attorney, following the offender's conviction of or placement on deferred adjudication community supervision for those offenses, if an application for such a protective order has not been filed, to promptly file the application on behalf of each victim.

C.S.H.B. 2596 also includes that burglary offense among the conduct or offenses, as applicable, that trigger the following:

- the authorization for a court to issue a temporary ex parte order for the protection of the applicant or the applicant's family or household member without further notice to the alleged offender and without a hearing if the court finds that there is a clear and present danger of the conduct to the applicant;
- the requirements for a court to find whether there are reasonable grounds to believe that the applicant is a victim of such an offense and issue a protective order including that finding if it makes such a finding;

- the consideration of an offender's conviction of or placement on deferred adjudication community supervision for such an offense as such reasonable grounds; and
- the requirement for a court to issue a protective order effective for the duration of the lives of the offender and victim with respect to an offender who is convicted of or placed on deferred adjudication community supervision for such an offense and required to register for life under the sex offender registration program.

The bill authorizes a victim of that burglary offense who is 18 years of age or older or a parent or guardian acting on behalf of such a victim who is younger than 18 years of age or an adult ward to file at any time an application with the court to rescind a protective order.

C.S.H.B. 2596 extends to a victim of that burglary offense certain additional rights of a victim of certain sexual, stalking, or trafficking offenses relating to the filing of an application for a protective order under applicable state law.

C.S.H.B. 2596 establishes that, to the extent of any conflict, the bill prevails over another bill of the 89th Legislature, Regular Session, 2025, relating to nonsubstantive additions to and corrections in enacted codes.

EFFECTIVE DATE

September 1, 2025.

COMPARISON OF INTRODUCED AND SUBSTITUTE

While C.S.H.B. 2596 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 extend the authorization for a victim of certain sexual, stalking, or trafficking offenses to file an application for a protective order without regard to the relationship between the applicant and the alleged offender to a victim of first degree felony burglary of a habitation, the versions differ as follows:

- the introduced included as the condition on the authorization that the actor committed the burglary with intent to commit one of the applicable sexual, stalking, or trafficking offenses, whereas the substitute does not include this condition; and
- the substitute also extends the authorization to a victim of second degree felony burglary of a habitation, whereas the introduced did not.