

By: Dutton

H.B. No. 2496

Substitute the following for H.B. No. 2496:

By: Hayes

C.S.H.B. No. 2496

A BILL TO BE ENTITLED

AN ACT

relating to required findings for the issuance of a protective order based on the commission of family violence.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 81.001, Family Code, is amended to read as follows:

Sec. 81.001. ENTITLEMENT TO PROTECTIVE ORDER. A court shall render a protective order as provided by Section 85.001(b) if the court finds that:

(1) family violence has occurred during the two-year period preceding the filing of the application for the protective order; or

(2) 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 protective order.

SECTION 2. Section 81.0015, Family Code, is amended to read as follows:

Sec. 81.0015. PRESUMPTION OF OCCURRENCE OF FAMILY VIOLENCE. For purposes of this subtitle, there is a presumption that family violence has occurred during the two-year period preceding the filing of the application for the protective order if:

(1) the respondent has been convicted of or placed on deferred adjudication community supervision for any of the

1 following offenses against the child for whom the petition is filed
2 committed during that period:

3 (A) an offense under Title 5, Penal Code, for
4 which the court has made an affirmative finding that the offense
5 involved family violence under Article 42.013, Code of Criminal
6 Procedure; or

7 (B) an offense under Title 6, Penal Code; and

8 (2) the respondent's parental rights with respect to
9 the child have been terminated based on acts occurring during that
10 period.

11 SECTION 3. Sections 85.001(a) and (b), Family Code, are
12 amended to read as follows:

13 (a) At the close of a hearing on an application for a
14 protective order, the court shall find whether:

15 (1) family violence has occurred during the two-year
16 period preceding the filing of the application for the protective
17 order; or

18 (2) the respondent was imprisoned or confined for an
19 offense involving family violence and has been released from prison
20 or jail during the two-year period preceding the filing of the
21 application for the protective order.

22 (b) If the court makes an affirmative finding under
23 Subsection (a) [~~finds that family violence has occurred~~], the
24 court:

25 (1) shall render a protective order as provided by
26 Section 85.022 applying only to a person found to have committed
27 family violence; and

1 (2) may render a protective order as provided by
2 Section 85.021 applying to both parties that is in the best interest
3 of the person protected by the order or member of the family or
4 household of the person protected by the order.

5 SECTION 4. Section 85.025(a-1), Family Code, is amended to
6 read as follows:

7 (a-1) The court may render a protective order sufficient to
8 protect the applicant and members of the applicant's family or
9 household that is effective for a period that exceeds two years if
10 the court finds that the person who is the subject of the protective
11 order:

12 (1) committed an act constituting a felony offense
13 involving family violence against the applicant or a member of the
14 applicant's family or household during the two-year period
15 preceding the filing of the application for the protective order,
16 regardless of whether the person has been charged with or convicted
17 of the offense;

18 (2) was imprisoned or confined for an offense
19 described by Subdivision (1) and has been released from prison or
20 jail during the two-year period preceding the filing of the
21 application for the protective order;

22 (3) ~~[(2)]~~ caused serious bodily injury to the
23 applicant or a member of the applicant's family or household; or

24 (4) ~~[(3)]~~ was the subject of two or more previous
25 protective orders rendered:

26 (A) to protect the person on whose behalf the
27 current protective order is sought; and

(B) after a finding by the court that the subject of the protective order:

(i) has committed family violence during the two-year period preceding the filing of the application for the protective order; or

(ii) 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 protective order.

SECTION 5. Article 7B.052, Code of Criminal Procedure, is amended to read as follows:

Art. 7B.052. REQUIRED FINDINGS; ISSUANCE OF PROTECTIVE ORDER. The court shall issue a protective order in the manner provided by Title 4, Family Code, if, in lieu of the finding under ~~[that family violence occurred as required by]~~ Section 85.001, Family Code, the court finds that:

(1) probable cause exists to believe that an offense under Section 42.072, Penal Code, was committed; and

(2) the nature of the scheme or course of conduct engaged in by the defendant in committing the offense indicates the defendant is likely in the future to engage in conduct prohibited by Section 42.072(a)(1), (2), or (3), Penal Code.

SECTION 6. Article 7B.102, Code of Criminal Procedure, is amended to read as follows:

Art. 7B.102. REQUIRED FINDINGS; ISSUANCE OF PROTECTIVE ORDER. The court shall issue a protective order in the manner provided by Title 4, Family Code, if, in lieu of the finding under

1 ~~[that family violence occurred as required by]~~ Section 85.001,
2 Family Code, the court finds that:

3 (1) probable cause exists to believe that an offense
4 under Title 5, Penal Code, or Section 28.02, 28.03, or 28.08, Penal
5 Code, was committed;

6 (2) the defendant committed the offense because of
7 bias or prejudice; and

8 (3) the nature of the scheme or course of conduct
9 engaged in by the defendant in committing the offense indicates the
10 defendant is likely in the future to:

11 (A) engage in conduct prohibited by Title 5,
12 Penal Code, or Section 28.02, 28.03, or 28.08, Penal Code; and

13 (B) engage in that conduct described by Paragraph
14 (A) because of bias or prejudice.

15 SECTION 7. The changes in law made by this Act apply only to
16 an application for a protective order filed on or after the
17 effective date of this Act. An application for a protective order
18 filed before the effective date of this Act is governed by the law
19 in effect on the date the application is filed, and the former law
20 is continued in effect for that purpose.

21 SECTION 8. This Act takes effect September 1, 2025.