

By: Metcalf

H.B. No. 2596

A BILL TO BE ENTITLED

AN ACT

relating to the issuance of certain protective orders for certain burglary offenses.

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

SECTION 1. The heading to Subchapter A, Chapter 7B, Code of Criminal Procedure, is amended to read as follows:

SUBCHAPTER A. PROTECTIVE ORDER FOR VICTIMS OF CERTAIN SEXUAL
~~[ASSAULT OR ABUSE, INDECENT ASSAULT]~~, STALKING, ~~[OR]~~ TRAFFICKING,
OR BURGLARY OFFENSES

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

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

(1) a person who is the victim of an offense under Section 20A.02, 20A.03, 21.02, 21.11, 22.011, 22.012, 22.021, 42.072, or 43.05, Penal Code;

(2) a person who is the victim of an offense under Section 30.02, Penal Code, that is punishable under Subsection (c)(2) or (d) of that section;

(3) any adult, including a parent or guardian, who is acting on behalf of a victim described by Subdivision (1) or (2), if the victim is younger than 18 years of age or an adult ward; or

(4) (4) ~~[(3)]~~ a prosecuting attorney acting on behalf of a

1 person described by Subdivision (1), ~~[or]~~ (2), or (3).

2 (a-1) Except as provided by Subsection (a-2), if an
3 application has not yet been filed in the case under Subsection (a),
4 the attorney representing the state shall promptly file an
5 application for a protective order with respect to each victim of an
6 offense listed in Subdivision (1) or (2) of that subsection
7 following the offender's conviction of or placement on deferred
8 adjudication community supervision for the offense.

9 SECTION 3. Article 7B.002(a), Code of Criminal Procedure,
10 is amended to read as follows:

11 (a) If the court finds from the information contained in an
12 application for a protective order that there is a clear and present
13 danger of conduct described by Article 7B.001(a)(1) or (2) ~~[sexual~~
14 ~~assault or abuse, indecent assault, stalking, trafficking,]~~ or
15 other harm to the applicant, the court, without further notice to
16 the alleged offender and without a hearing, may issue a temporary ex
17 parte order for the protection of the applicant or any other member
18 of the applicant's family or household.

19 SECTION 4. Articles 7B.003(a), (b), and (c), Code of
20 Criminal Procedure, are amended to read as follows:

21 (a) At the close of a hearing on an application for a
22 protective order under this subchapter, the court shall find
23 whether there are reasonable grounds to believe that the applicant
24 is the victim of an offense listed in Article 7B.001(a)(1) or (2)
25 ~~[sexual assault or abuse, indecent assault, stalking, or~~
26 ~~trafficking]~~.

27 (b) If the court finds that there are reasonable grounds to

1 believe that the applicant is the victim of an offense listed in
2 Article 7B.001(a)(1) or (2) [~~sexual assault or abuse, stalking, or~~
3 ~~trafficking~~], the court shall issue a protective order that
4 includes a statement of the required findings.

5 (c) An offender's conviction of or placement on deferred
6 adjudication community supervision for an offense listed in Article
7 7B.001(a)(1) or (2) constitutes reasonable grounds under
8 Subsection (a).

9 SECTION 5. Articles 7B.007(a-1) and (b), Code of Criminal
10 Procedure, are amended to read as follows:

11 (a-1) The court shall issue a protective order effective for
12 the duration of the lives of the offender and victim if the offender
13 is:

14 (1) convicted of or placed on deferred adjudication
15 community supervision for an offense listed in Article 7B.001(a)(1)
16 or (2); and

17 (2) required under Chapter 62 to register for life as a
18 sex offender.

19 (b) The following persons may file at any time an
20 application with the court to rescind the protective order:

21 (1) a victim of an offense listed in Article
22 7B.001(a)(1) or (2) who is 18 years of age or older;

23 (2) subject to Subsection (b-1), a parent or guardian
24 acting on behalf of a victim of an offense listed in Article
25 7B.001(a)(1) or (2) who is younger than 18 years of age or an adult
26 ward; or

27 (3) a person not otherwise described by Subdivision

(1) or (2) who filed the application for the protective order.

SECTION 6. The heading to Article 56A.052, Code of Criminal Procedure, is amended to read as follows:

Art. 56A.052. ADDITIONAL RIGHTS OF VICTIMS OF CERTAIN SEXUAL ~~[ASSAULT, INDECENT ASSAULT]~~, STALKING, ~~[OR]~~ TRAFFICKING, OR BURGLARY OFFENSES.

SECTION 7. Article 56A.052(d), Code of Criminal Procedure, is amended to read as follows:

(d) This subsection applies only to a victim of an offense listed in Article 7B.001(a)(1) or (2) [under Section 20A.02, 20A.03, 21.02, 21.11, 22.011, 22.012, 22.021, 42.072, or 43.05, Penal Code]. A victim described by this subsection or a parent or guardian of the victim, if the victim is younger than 18 years of age or an adult ward, is entitled to the following rights within the criminal justice system:

(1) the right to be informed in the manner provided by Article 56A.0525:

(A) that the victim or, if the victim is younger than 18 years of age or an adult ward, the victim's parent or guardian or another adult acting on the victim's behalf may file an application for a protective order under Article 7B.001;

(B) of the court in which the application for a protective order may be filed;

(C) that, on request of the victim or, if the victim is younger than 18 years of age or an adult ward, on request of the victim's parent or guardian or another adult acting on the victim's behalf, the attorney representing the state may, subject

1 to the Texas Disciplinary Rules of Professional Conduct, file the
2 application for a protective order on behalf of the requestor; and

3 (D) that, subject to the Texas Disciplinary Rules
4 of Professional Conduct, the attorney representing the state
5 generally is required to file the application for a protective
6 order with respect to the victim if the defendant is convicted of or
7 placed on deferred adjudication community supervision for the
8 offense;

9 (2) the right to:

10 (A) request that the attorney representing the
11 state, subject to the Texas Disciplinary Rules of Professional
12 Conduct, file an application for a protective order described by
13 Subdivision (1); and

14 (B) be notified in the manner provided by Article
15 56A.0525 when the attorney representing the state files an
16 application for a protective order under Article 7B.001;

17 (3) if the victim or the victim's parent or guardian,
18 as applicable, is present when the defendant is convicted or placed
19 on deferred adjudication community supervision, the right to:

20 (A) be given by the court the information
21 described by Subdivision (1), in the manner provided by Article
22 56A.0525; and

23 (B) file an application for a protective order
24 under Article 7B.001 immediately following the defendant's
25 conviction or placement on deferred adjudication community
26 supervision if the court has jurisdiction over the application; and

27 (4) if the victim or the victim's parent or guardian,

1 as applicable, is not present when the defendant is convicted or
2 placed on deferred adjudication community supervision, the right to
3 be given by the attorney representing the state the information
4 described by Subdivision (1), in the manner provided by Article
5 [56A.0525](#).

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

10 SECTION 9. This Act takes effect September 1, 2025.