

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 SEXUAL ASSAULT OR ABUSE, INDECENT ASSAULT, STALKING, ~~[OR]~~ TRAFFICKING, OR CERTAIN 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, if:

(A) the offense is punishable under Subsection (d) of that section; and

(B) the actor committed the offense with intent to commit an offense listed in Subdivision (1) of this subsection;

(3) any adult, including a parent or guardian, who is

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

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

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

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

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

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

24 (a) At the close of a hearing on an application for a
25 protective order under this subchapter, the court shall find
26 whether there are reasonable grounds to believe that the applicant
27 is the victim of an offense listed in Article 7B.001(a)(1) or (2)

1 ~~[sexual assault or abuse, indecent assault, stalking, or~~
2 ~~trafficking]~~.

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

8 (c) An offender's conviction of or placement on deferred
9 adjudication community supervision for an offense listed in Article
10 7B.001(a)(1) or (2) constitutes reasonable grounds under
11 Subsection (a).

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

14 (a-1) The court shall issue a protective order effective for
15 the duration of the lives of the offender and victim if the offender
16 is:

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

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

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

24 (1) a victim of an offense listed in Article
25 7B.001(a)(1) or (2) who is 18 years of age or older;

26 (2) subject to Subsection (b-1), a parent or guardian
27 acting on behalf of a victim of an offense listed in Article

1 7B.001(a)(1) or (2) who is younger than 18 years of age or an adult
2 ward; or

3 (3) a person not otherwise described by Subdivision
4 (1) or (2) who filed the application for the protective order.

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

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

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

12 (d) This subsection applies only to a victim of an offense
13 listed in Article 7B.001(a)(1) or (2) [~~under Section 20A.02,~~
14 ~~20A.03, 21.02, 21.11, 22.011, 22.012, 22.021, 42.072, or 43.05,~~
15 ~~Penal Code~~]. A victim described by this subsection or a parent or
16 guardian of the victim, if the victim is younger than 18 years of
17 age or an adult ward, is entitled to the following rights within the
18 criminal justice system:

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

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

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

27 (C) that, on request of the victim or, if the

1 victim is younger than 18 years of age or an adult ward, on request
2 of the victim's parent or guardian or another adult acting on the
3 victim's behalf, the attorney representing the state may, subject
4 to the Texas Disciplinary Rules of Professional Conduct, file the
5 application for a protective order on behalf of the requestor; and

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

12 (2) the right to:

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

17 (B) be notified in the manner provided by Article
18 56A.0525 when the attorney representing the state files an
19 application for a protective order under Article 7B.001;

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

23 (A) be given by the court the information
24 described by Subdivision (1), in the manner provided by Article
25 56A.0525; and

26 (B) file an application for a protective order
27 under Article 7B.001 immediately following the defendant's

1 conviction or placement on deferred adjudication community
2 supervision if the court has jurisdiction over the application; and
3 (4) if the victim or the victim's parent or guardian,
4 as applicable, is not present when the defendant is convicted or
5 placed on deferred adjudication community supervision, the right to
6 be given by the attorney representing the state the information
7 described by Subdivision (1), in the manner provided by Article
8 [56A.0525](#).

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

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