

1-1 By: Dale, et al. (Senate Sponsor - Rodríguez) H.B. No. 1447
1-2 (In the Senate - Received from the House April 14, 2015;
1-3 May 19, 2015, read first time and referred to Committee on
1-4 Administration; May 24, 2015, reported favorably by the following
1-5 vote: Yeas 4, Nays 0; May 24, 2015, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10			X	
1-11			X	
1-12	X			
1-13	X			
1-14			X	

1-15 A BILL TO BE ENTITLED
1-16 AN ACT

1-17 relating to protective orders for certain victims of sexual assault
1-18 or abuse, stalking, or trafficking.

1-19 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-20 SECTION 1. Article 7A.01(a), Code of Criminal Procedure, is
1-21 amended to read as follows:

1-22 (a) The following persons may file an application for a
1-23 protective order under this chapter without regard to the
1-24 relationship between the applicant and the alleged offender:

1-25 (1) a person who is the victim of an offense under
1-26 Section 21.02, 21.11, 22.011, 22.021, or 42.072, Penal Code;

1-27 (2) a person who is the victim of an offense under
1-28 Section 20A.02, 20A.03, or 43.05, Penal Code;

1-29 (3) a parent or guardian acting on behalf of a person
1-30 younger than 17 years of age who is the victim of an offense listed
1-31 in Subdivision (1);

1-32 (4) a parent or guardian acting on behalf of a person
1-33 younger than 18 years of age who is the victim of an offense listed
1-34 in Subdivision (2); or

1-35 (5) a prosecuting attorney acting on behalf of a
1-36 person described by Subdivision (1), ~~(2)~~, (3), or (4).

1-37 SECTION 2. The heading to Article 56.021, Code of Criminal
1-38 Procedure, is amended to read as follows:

1-39 Art. 56.021. RIGHTS OF VICTIM OF SEXUAL ASSAULT OR ABUSE,
1-40 STALKING, OR TRAFFICKING.

1-41 SECTION 3. Article 56.021, Code of Criminal Procedure, is
1-42 amended by adding Subsection (d) to read as follows:

1-43 (d) This subsection applies only to a victim of an offense
1-44 under Section 20A.02, 20A.03, 21.02, 21.11, 22.011, 22.021, 42.072,
1-45 or 43.05, Penal Code. In addition to the rights enumerated in
1-46 Article 56.02 and, if applicable, Subsection (a) of this article, a
1-47 victim described by this subsection or a parent or guardian of the
1-48 victim is entitled to the following rights within the criminal
1-49 justice system:

1-50 (1) the right to request that the attorney
1-51 representing the state, subject to the Texas Disciplinary Rules of
1-52 Professional Conduct, file an application for a protective order
1-53 under Article 7A.01 on behalf of the victim;

1-54 (2) the right to be informed:

1-55 (A) that the victim or the victim's parent or
1-56 guardian, as applicable, may file an application for a protective
1-57 order under Article 7A.01;

1-58 (B) of the court in which the application for a
1-59 protective order may be filed; and

1-60 (C) that, on request of the victim or the
1-61 victim's parent or guardian, as applicable, and subject to the

2-1 Texas Disciplinary Rules of Professional Conduct, the attorney
2-2 representing the state may file the application for a protective
2-3 order;

2-4 (3) if the victim or the victim's parent or guardian,
2-5 as applicable, is present when the defendant is convicted or placed
2-6 on deferred adjudication community supervision, the right to be
2-7 given by the court the information described by Subdivision (2)
2-8 and, if the court has jurisdiction over applications for protective
2-9 orders that are filed under Article 7A.01, the right to file an
2-10 application for a protective order immediately following the
2-11 defendant's conviction or placement on deferred adjudication
2-12 community supervision; and

2-13 (4) if the victim or the victim's parent or guardian,
2-14 as applicable, is not present when the defendant is convicted or
2-15 placed on deferred adjudication community supervision, the right to
2-16 be given by the attorney representing the state the information
2-17 described by Subdivision (2).

2-18 SECTION 4. The change in law made by this Act applies to a
2-19 victim of criminally injurious conduct for which a judgment of
2-20 conviction is entered or a grant of deferred adjudication is made on
2-21 or after the effective date of this Act, regardless of whether the
2-22 criminally injurious conduct occurred before, on, or after the
2-23 effective date of this Act.

2-24 SECTION 5. This Act takes effect September 1, 2015.

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