

1-1 By: Rodríguez S.B. No. 801
 1-2 (In the Senate - Filed February 12, 2019; March 1, 2019,
 1-3 read first time and referred to Committee on State Affairs;
 1-4 April 8, 2019, reported favorably by the following vote: Yeas 7,
 1-5 Nays 2; April 8, 2019, 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	X			
1-16	X			

1-17 A BILL TO BE ENTITLED
 1-18 AN ACT

1-19 relating to protective orders.

1-20 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-21 SECTION 1. Sections 85.005(a) and (b), Family Code, are
 1-22 amended to read as follows:

1-23 (a) To facilitate settlement, the parties to a proceeding
 1-24 may agree in writing to ~~[the terms of]~~ a protective order as
 1-25 provided by Sections ~~[Section]~~ 85.021 and 85.022. An agreement
 1-26 under this subsection is subject to the approval of the court. The
 1-27 court may not approve an agreement that requires the applicant for
 1-28 the protective order to do or refrain from doing an act under
 1-29 Section 85.022.

1-30 (b) ~~An [To facilitate settlement, a respondent may agree in~~
 1-31 ~~writing to the terms of a protective order as provided by Section~~
 1-32 ~~85.022, subject to the approval of the court. The court may not~~
 1-33 ~~approve an agreement that requires the applicant to do or refrain~~
 1-34 ~~from doing an act under Section 85.022. The] agreed protective~~
 1-35 order is enforceable civilly or criminally, regardless of whether
 1-36 the court makes the findings required by Section 85.001.

1-37 SECTION 2. Section 85.006(a), Family Code, is amended to
 1-38 read as follows:

1-39 (a) Notwithstanding Rule 107, Texas Rules of Civil
 1-40 Procedure, a [A] court may render a protective order that is binding
 1-41 on a respondent who does not attend a hearing if:

1-42 (1) the respondent received service of the application
 1-43 and notice of the hearing; and

1-44 (2) proof of service was filed with the court before
 1-45 the hearing.

1-46 SECTION 3. Article 7A.01(a), Code of Criminal Procedure, is
 1-47 amended to read as follows:

1-48 (a) The following persons may file an application for a
 1-49 protective order under this chapter without regard to the
 1-50 relationship between the applicant and the alleged offender:

1-51 (1) a person who is the victim of an offense under
 1-52 Section 20A.02, 20A.03, 21.02, 21.11, 22.011, 22.021, ~~[or]~~ 42.072,
 1-53 or 43.05, Penal Code;

1-54 (2) any adult acting on behalf of a child or on behalf
 1-55 of an adult ward who is the victim of an offense listed in
 1-56 Subdivision (1) [a person who is the victim of an offense under
 1-57 Section 20A.02, 20A.03, or 43.05, Penal Code]; or

1-58 (3) [a parent or guardian acting on behalf of a person
 1-59 younger than 17 years of age who is the victim of an offense listed
 1-60 in Subdivision (1);

1-61 ~~[(4) a parent or guardian acting on behalf of a person~~

2-1 ~~younger than 18 years of age who is the victim of an offense listed~~
2-2 ~~in Subdivision (2), or~~

2-3 ~~[(5)]~~ a prosecuting attorney acting on behalf of a
2-4 person described by Subdivision (1) or ~~[(7)]~~ (2) ~~[(3), or (4)]~~.

2-5 SECTION 4. Article 7A.07, Code of Criminal Procedure, is
2-6 amended by amending Subsection (b) and adding Subsection (c) to
2-7 read as follows:

2-8 (b) The following persons may file at any time an
2-9 application with the court to rescind the protective order:

2-10 (1) a victim of an offense listed in Article
2-11 7A.01(a)(1) who is 18 ~~[17]~~ years of age or older;

2-12 (2) subject to Subsection (c), ~~[(or)]~~ a parent or
2-13 guardian acting on behalf of a victim of an offense listed in
2-14 Article 7A.01(a)(1) who is younger than 18 ~~[17]~~ years of age; or

2-15 (3) the person who filed the application for the
2-16 protective order.

2-17 (c) A ~~[(2)]~~ ~~a victim of an offense listed in Article~~
2-18 ~~7A.01(a)(2) or a~~ parent or guardian may not file an application to
2-19 rescind the protective order under Subsection (b)(2) if the parent
2-20 or guardian is the alleged offender subject to the protective order
2-21 [acting on behalf of a victim who is younger than 18 years of age].

2-22 SECTION 5. Section 85.005, Family Code, as amended by this
2-23 Act, applies only to a protective order approved by the court on or
2-24 after the effective date of this Act.

2-25 SECTION 6. Section 85.006, Family Code, as amended by this
2-26 Act, applies only to a protective order for which the respondent
2-27 receives service on or after the effective date of this Act.

2-28 SECTION 7. Chapter 7A, Code of Criminal Procedure, as
2-29 amended by this Act, applies only to a protective order for which an
2-30 application is filed on or after the effective date of this Act.

2-31 SECTION 8. This Act takes effect September 1, 2019.

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