

1-1 By: Metcalf (Senate Sponsor - Zaffirini) H.B. No. 2596  
1-2 (In the Senate - Received from the House April 23, 2025;  
1-3 April 24, 2025, read first time and referred to Committee on  
1-4 Criminal Justice; May 14, 2025, reported favorably by the  
1-5 following vote: Yeas 7, Nays 0; May 14, 2025, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	Flores	X		
1-9	Parker	X		
1-10	Hagenbuch	X		
1-11	Hinojosa of Hidalgo	X		
1-12	Huffman	X		
1-13	King	X		
1-14	Miles	X		

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

1-17 relating to the issuance of certain protective orders for certain  
1-18 burglary offenses.

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

1-20 SECTION 1. The heading to Subchapter A, Chapter 7B, Code of  
1-21 Criminal Procedure, is amended to read as follows:

1-22 SUBCHAPTER A. PROTECTIVE ORDER FOR VICTIMS OF CERTAIN SEXUAL  
1-23 ~~[ASSAULT OR ABUSE, INDECENT ASSAULT]~~, STALKING, ~~[OR]~~ TRAFFICKING,  
1-24 OR BURGLARY OFFENSES

1-25 SECTION 2. Articles 7B.001(a) and (a-1), Code of Criminal  
1-26 Procedure, are amended to read as follows:

1-27 (a) The following persons may file an application for a  
1-28 protective order under this subchapter without regard to the  
1-29 relationship between the applicant and the alleged offender:

1-30 (1) a person who is the victim of an offense under  
1-31 Section 20A.02, 20A.03, 21.02, 21.11, 22.011, 22.012, 22.021,  
1-32 42.072, or 43.05, Penal Code;

1-33 (2) a person who is the victim of an offense under  
1-34 Section 30.02, Penal Code, that is punishable under Subsection  
1-35 (c)(2) or (d) of that section;

1-36 (3) any adult, including a parent or guardian, who is  
1-37 acting on behalf of a victim described by Subdivision (1) or (2), if  
1-38 the victim is younger than 18 years of age or an adult ward; or

1-39 (4) ~~(3)~~ a prosecuting attorney acting on behalf of a  
1-40 person described by Subdivision (1), ~~(2)~~, or (3).

1-41 (a-1) Except as provided by Subsection (a-2), if an  
1-42 application has not yet been filed in the case under Subsection (a),  
1-43 the attorney representing the state shall promptly file an  
1-44 application for a protective order with respect to each victim of an  
1-45 offense listed in Subdivision (1) or (2) of that subsection  
1-46 following the offender's conviction of or placement on deferred  
1-47 adjudication community supervision for the offense.

1-48 SECTION 3. Article 7B.002(a), Code of Criminal Procedure,  
1-49 is amended to read as follows:

1-50 (a) If the court finds from the information contained in an  
1-51 application for a protective order that there is a clear and present  
1-52 danger of conduct described by Article 7B.001(a)(1) or (2) ~~[sexual~~  
1-53 ~~assault or abuse, indecent assault, stalking, trafficking,~~ or  
1-54 other harm to the applicant, the court, without further notice to  
1-55 the alleged offender and without a hearing, may issue a temporary ex  
1-56 parte order for the protection of the applicant or any other member  
1-57 of the applicant's family or household.

1-58 SECTION 4. Articles 7B.003(a), (b), and (c), Code of  
1-59 Criminal Procedure, are amended to read as follows:

1-60 (a) At the close of a hearing on an application for a  
1-61 protective order under this subchapter, the court shall find

whether there are reasonable grounds to believe that the applicant is the victim of an offense listed in Article 7B.001(a)(1) or (2) ~~[sexual assault or abuse, indecent assault, stalking, or trafficking]~~.

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

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

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

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

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

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

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

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

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

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

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

(2) the right to:

(A) request that the attorney representing the

state, subject to the Texas Disciplinary Rules of Professional Conduct, file an application for a protective order described by Subdivision (1); and

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

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

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

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

(4) if the victim or the victim's parent or guardian, as applicable, is not present when the defendant is convicted or placed on deferred adjudication community supervision, the right to be given by the attorney representing the state the information described by Subdivision (1), in the manner provided by Article 56A.0525.

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

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

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