

BILL ANALYSIS

C.S.H.B. 388
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Judiciary & Civil Jurisprudence
Committee Report (Substituted)

BACKGROUND AND PURPOSE

According to interested parties, some district judges note that a protective order issued against an individual in cases of family violence can fail to serve the order's purpose if the order expires while there is reason to believe that the individual still poses a threat to the individual's family. Currently, a protective order under these circumstances is extended only if the individual is still imprisoned at the time the order is set to expire. The parties express concern that additional safeguards should be implemented for family violence victims with regard to incarcerated individuals scheduled to be released soon after the order expires. C.S.H.B. 388 seeks to remedy this situation.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 388 amends the Family Code to make the extension of the duration of a protective order issued in a family violence case against a person who is confined or imprisoned on the date the order would expire to the first anniversary of the date the person is released applicable to a person sentenced to confinement or imprisonment for more than five years. The bill further extends the duration of such a protective order to the second anniversary of the date the person is released if the person was sentenced to confinement or imprisonment for five years or less. The bill expands the applicability of those extensions to include a protective order that would expire not later than the first anniversary of the date the person is released from confinement or imprisonment.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2015.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 388 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

SECTION 1. Section 85.025(c), Family Code, is amended to read as follows:

(c) If a person who is the subject of a protective order is confined or imprisoned on the date the protective order would expire under Subsection (a) or (a-1), or if the protective order would expire not later than the first anniversary of the date the person is released from confinement or imprisonment, the period for which the order is effective is extended, and the order expires on the second ~~first~~ anniversary of the date the person is released from confinement or imprisonment.

SECTION 2. Section 85.025(c), Family Code, as amended by this Act, applies only to a protective order issued on or after the effective date of this Act. A protective order issued before the effective date of this Act is governed by the law in effect on the date the order is issued, and the former law is continued in effect for that purpose.

SECTION 3. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2015.

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Section 85.025(c), Family Code, is amended to read as follows:

(c) If a person who is the subject of a protective order is confined or imprisoned on the date the protective order would expire under Subsection (a) or (a-1), or if the protective order would expire not later than the first anniversary of the date the person is released from confinement or imprisonment, the period for which the order is effective is extended, and the order expires on:

(1) the first anniversary of the date the person is released from confinement or imprisonment, if the person was sentenced to confinement or imprisonment for more than five years; or

(2) the second anniversary of the date the person is released from confinement or imprisonment, if the person was sentenced to confinement or imprisonment for five years or less.

SECTION 2. Same as introduced version.

SECTION 3. Same as introduced version.