

SUBJECT: Allowing protective orders for third parties affected by dating violence

COMMITTEE: Judiciary and Civil Jurisprudence — favorable, without amendment

VOTE: 8 ayes — Hunter, Hughes, Branch, Hartnett, Jackson, Leibowitz, Lewis, Martinez

0 nays

3 absent — Alonzo, Madden, Woolley

WITNESSES: For — Catherine Babbitt, Bexar County District Attorney's Office; Marie Obrien-Olivo; (*Registered, but did not testify*: Laura Anderson, San Antonio Police Department; Christine Gendron, Texas Network of Youth Services; Kevin Petroff, Harris County District Attorney's Office; Aaron Setliff, The Texas Council on Family Violence; Melanie Spratt-Anderson; Katherine Zackel, Texans Care for Children

Against — None

BACKGROUND: Under Family Code, sec. 71.004, “family violence” means any non-defensive act by a family or household member that is intended to cause or that threatens physical harm, bodily injury, assault or sexual assault against another family or household member. Family violence also includes "dating violence," defined under Family Code, sec. 71.0021 as an act intended to cause or threaten bodily or sexual injury committed by an individual against another with whom the individual has or has had a dating relationship. The same provision defines a "dating relationship" to mean a continuing romantic or intimate relationship between individuals. Dating violence does not include a violent or threatening act by a person against another person who is currently in a dating relationship with a third person with whom the offending actor has or has had a dating relationship or marriage.

When an actor commits an offense involving family violence or dating violence, the aggrieved party, a member of the party's family or household, a prosecuting attorney, or the Department of Protective or Regulatory Services may request a protective order from a court. A protective order may set restrictions on an offending actor's right to access

or contact the aggrieved party or members of the party's household or family. An person involved in a dating relationship with another person cannot seek a protective order against a third party who has or had a dating relationship or marriage with the second person.

DIGEST:

HB 2202 would expand the definition of "dating violence" to include an act intended to cause or threaten bodily or sexual injury committed by an individual against another individual involved in a dating relationship with third individual with whom the actor has or has had a dating relationship or marriage.

This bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2009.

**SUPPORTERS
SAY:**

HB 2202 would close a dangerous loophole in existing law that prevents a person in a dating relationship with another person from seeking a protective order against a third party, such as an ex-husband or ex-girlfriend, who was previously married or in a dating relationship with the second person. Sadly, these types of incidents are not uncommon and sometimes result in serious injury or even death to individuals who currently lack standing to apply for a protective order. A protective order is powerful, effective legal tool that affords much greater legal protections than a civil restraining order — the only current remedy for individuals trapped in third party “quasi-dating violence” situations — because a violation of a protective order constitutes a criminal offense, while a violation of a restraining order results in only a fine. HB 2202 would ensure that all parties to a dating relationship would have the same ability to seek effective legal protection from violent and threatening acts.

**OPPONENTS
SAY:**

No apparent opposition.