

SUBJECT: Requiring prosecutors to apply for protective orders for certain victims

COMMITTEE: Criminal Jurisprudence — committee substitute recommended

VOTE: 9 ayes — Collier, Zedler, K. Bell, J. González, Hunter, P. King, Moody, Murr, Pacheco

0 nays

WITNESSES: For — Donna Dell Hall; Mark Wood; (*Registered, but did not testify:* Linda Phan, Texas Council on Family Violence; Taylor Sadlier)

Against — None

BACKGROUND: Code of Criminal Procedure ch. 7A establishes protective orders for victims of sexual assault or abuse, stalking, and family violence. It authorizes victims of certain offenses to apply for protective orders and requires courts to issue them under certain circumstances. In general, the orders are effective for two years.

DIGEST: CSHB 1686 would require prosecutors to file an application for a protective order for each victim in certain cases of sexual assault or abuse, stalking, and family violence after a defendant was convicted or placed on deferred adjudication, if an application had not already been filed. The requirement would apply to cases of sexual assault, aggravated sexual assault, continuous sexual assault of a child, indecency with a child, stalking, human trafficking, continuous human trafficking, and compelling prostitution. Prosecutors could be prohibited from filing such an application if a victim who was at least 18 years old requested that one not be filed.

The bill would increase the penalty for violating these protective orders from a class A misdemeanor (up to one year in jail and/or a maximum fine of \$4,000) to a state-jail felony (180 days to two years in a state jail and an optional fine of up to \$10,000), although higher penalties could apply under conditions in current law, including for repeat offenses and for

violations that involve committing assault or stalking.

The bill would establish that a conviction or placement on deferred adjudication in one of these cases was reasonable grounds to believe that an applicant for a protective order was a victim who was entitled to an order.

Courts would be required to issue lifetime protective orders if the offender was convicted of or placed on deferred adjudication for sexual assault, continuous sexual assault, aggravated sexual assault, continuous sexual assault of a child, human trafficking, continuous human trafficking, or compelling prostitution and was required to register for life as a sex offender with the state's sex offender registry.

The bill would take effect September 1, 2019, and would apply only to convictions and deferred adjudications entered on or after that date.