

## **BILL ANALYSIS**

Senate Research Center  
76R1974 KLA-D

S.B. 50  
By: Nelson  
Criminal Justice  
2/22/1999  
As Filed

### **DIGEST**

Currently, Texas law establishes that a protective order obtained through the County or Criminal District Attorney's Office or from a private attorney is valid for one year, and may be extended only after another act of family violence has occurred. This bill extends the duration to five years, and provides for an extension in cases in which the applicant is physically injured, sexually assaulted, or threatened in a way that reasonably places the applicant in fear of imminent harm, bodily injury, assault, or sexual assault. This bill also prohibits the respondent from carrying a firearm and ammunition, and if the respondent is confined, the protective order extends for one year after the respondent has been released from confinement or the five-year period has expired.

### **PURPOSE**

As proposed, S.B. 50 establishes provisions regarding the application for, issuance of, and contents of a protective order.

### **RULEMAKING AUTHORITY**

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 82.008(a), Family Code, to require an application for a protective order that is filed after a previously rendered protective order has expired to include a description of either the alleged violation that violated the expired protective order before it expired, or the threatened harm that reasonably places the applicant in fear of injury, and if a violation of the expired order is alleged, a specific statement. Deletes text regarding alleged allegations violating a previous protective order.

SECTION 2. Amends Chapter 82A, Family Code, by adding Section 82.0085, as follows:

Sec. 82.0085. APPLICATION FILED BEFORE EXPIRATION OF PREVIOUSLY RENDERED PROTECTIVE ORDER. Requires an application for a protective order to include certain information, if it alleges an unexpired protective order applicable to the respondent is due to expire not later than the 30th day after the date the application was filed. Provides that requirements for an original application apply to a protective order under this section.

SECTION 3. Amends Section 82.025, Family Code, to provide a protective order is effective for a period of not more than five years, rather than one year. Extends the period of the protective order, if the subject is imprisoned on the order's expiration date, and the order expires on the first anniversary of the person's release. Makes conforming changes.

SECTION 4. Amends Section 85.026, Family Code, to set forth changes in a protective order's language. Makes a conforming change.

SECTION 5. Amends Section 87.002, Family Code, to prohibit modifications of a protective order from extending beyond the date the order expires.

SECTION 6. Effective date: September 1, 1999.  
Makes application of this Act prospective.

SECTION 7. Emergency clause.