

## **BILL ANALYSIS**

C.S.H.B. 1480  
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Juvenile Justice & Family Issues  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Interested parties contend that the use of the term "victim" in certain Family Code provisions relating to the issuance of protective orders in the case of abuse is occasionally inaccurate. In addition, there is concern that some judges are reluctant to issue protective orders until the perpetrator has been convicted, believing that a person is not a victim until that happens. C.S.H.B. 1480 seeks to address these issues.

### **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. 1480 amends the Family Code to specify, for purposes of statutory provisions relating to protective orders and family violence, that the term "dating violence" refers to an act committed against an applicant for a protective order who has or has had a specified relationship with the actor, in addition to an act committed against a victim who has or has had such a relationship with the actor. The bill expands the types of abuse included in the definition of "family violence" for purposes of those provisions to include mental or emotional injury to a child that results in an observable and material impairment in the child's growth, development, or psychological functioning; causing, permitting, encouraging, engaging in, or allowing the photographing, filming, or depicting of the child if the person knew or should have known that the resulting photograph, film, or depiction of the child is obscene or pornographic; the current use by a person of a controlled substance in a manner or to the extent that the use results in physical, mental, or emotional injury to a child; causing, expressly permitting, or encouraging a child to use a controlled substance; or causing, permitting, encouraging, engaging in, or allowing a sexual performance by a child.

### **EFFECTIVE DATE**

September 1, 2015.

### **COMPARISON OF ORIGINAL AND SUBSTITUTE**

While C.S.H.B. 1480 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 71.0021(a), Family Code, is amended to read as follows:

(a) "Dating violence" means an act, other than a defensive measure to protect oneself, by an actor that:

(1) is committed against an applicant for a protective order ~~[a victim]~~:

(A) with whom the actor has or has had a dating relationship; or

(B) because of the applicant's ~~[victim's]~~ marriage to or dating relationship with an individual with whom the actor is or has been in a dating relationship or marriage; and

(2) is intended to result in physical harm, bodily injury, assault, or sexual assault or that is a threat that reasonably places the applicant ~~[victim]~~ in fear of imminent physical harm, bodily injury, assault, or sexual assault.

SECTION 2. Section 71.004, Family Code, is amended to read as follows:

Sec. 71.004. FAMILY VIOLENCE. "Family violence" means:

(1) an act by a member of a family or household against another member of the family or household that is intended to result in physical harm, bodily injury, assault, or sexual assault or that is a threat that reasonably places the member in fear of imminent physical harm, bodily injury, assault, or sexual assault, but does not include defensive measures to protect oneself;

(2) abuse, as that term is defined by Sections 261.001(A), ~~(B),~~ (C) ~~[261.001(1)(C)]~~, (E), ~~[and]~~ (G), (H), (I), (J), and (K), by a member of a family or household toward a child of the family or household; or

(3) dating violence, as that term is defined by Section 71.0021.

SECTION 3. The changes in law made by this Act apply only to a request for a protective order that is filed on or after the effective date of this Act. A request for a protective order filed before the effective date of this Act is governed by the law in effect on the date the request is filed, and the former law is continued in effect for that purpose.

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Section 71.0021(a), Family Code, is amended to read as follows:

(a) "Dating violence" means an act, other than a defensive measure to protect oneself, by an actor that:

(1) is committed against a victim or applicant for a protective order:

(A) with whom the actor has or has had a dating relationship; or

(B) because of the victim's or applicant's marriage to or dating relationship with an individual with whom the actor is or has been in a dating relationship or marriage; and

(2) is intended to result in physical harm, bodily injury, assault, or sexual assault or that is a threat that reasonably places the victim or applicant in fear of imminent physical harm, bodily injury, assault, or sexual assault.

SECTION 2. Section 71.004, Family Code, is amended to read as follows:

Sec. 71.004. FAMILY VIOLENCE. "Family violence" means:

(1) an act by a member of a family or household against another member of the family or household that is intended to result in physical harm, bodily injury, assault, or sexual assault or that is a threat that reasonably places the member in fear of imminent physical harm, bodily injury, assault, or sexual assault, but does not include defensive measures to protect oneself;

(2) abuse, as that term is defined by Sections 261.001(1)(A), (C) ~~[261.001(1)(C)]~~, (E), ~~[and]~~ (G), (H), (I), (J), and (K), by a member of a family or household toward a child of the family or household; or

(3) dating violence, as that term is defined by Section 71.0021.

SECTION 3. Same as introduced version.

SECTION 4. This Act takes effect  
September 1, 2015.

SECTION 4. Same as introduced version.