

BILL ANALYSIS

S.B. 147
By: Rodríguez
Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Interested parties note that two separate provisions of the Penal Code currently govern protective orders. One section covers family violence protective orders and another covers sexual assault, stalking, and human trafficking protective orders. These parties contend that the section covering family violence protective orders provides more protections for victims and more severe penalties for violations, including the possibility of charging defendants with a felony under certain circumstances. S.B. 147 seeks to increase the effectiveness of state law governing such protective orders.

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

S.B. 147 repeals a Penal Code provision establishing conduct that constitutes an offense relating to a violation of a protective order issued on the basis of sexual assault or abuse, stalking, or trafficking. The bill amends the Penal Code to instead make statutory provisions establishing conduct that constitutes an offense relating to a violation of certain court orders or conditions of bond in a family violence, sexual assault or abuse, or stalking case applicable to a violation of a condition of bond set in a trafficking case or a protective order for victims of sexual assault or abuse, stalking, or trafficking.

S.B. 147 amends the Government Code to require the bureau of identification and records to collect, in addition to the other types of required information concerning protective orders, any pertinent information about persons subject to conditions of bond imposed for the protection of a victim in a trafficking case. The bill requires information in the law enforcement information system relating to an active protective order to include, if applicable, the conditions of bond imposed on the person to whom the order is directed for the protection of a victim in a trafficking case. The bill makes the authority of the Department of Public Safety to adopt rules relating to active conditions of bond imposed on a defendant for the protection of a victim in any family violence, sexual assault or abuse, or stalking case and certain reporting procedures regarding such conditions applicable to active conditions of bond imposed on a defendant for the protection of a victim in a trafficking case.

S.B. 147 amends the Code of Criminal Procedure to make conforming changes.

S.B. 147 repeals Section 38.112, Penal Code.

EFFECTIVE DATE

September 1, 2015.