

- SUBJECT:** Protective orders for victims of sexual, stalking, and trafficking offenses
- COMMITTEE:** Criminal Jurisprudence — committee substitute recommended
- VOTE:** 7 ayes — Herrero, Carter, Burnam, Canales, Leach, Moody, Toth
1 nay — Schaefer
1 absent — Hughes
- WITNESSES:** For — Carlos Salinas, Alliance for Texas Families; (*Registered, but did not testify*: Lon Craft, Texas Municipal Police Association; Bobby Gutierrez and Kirsha Haverlah, Justice of Peace and Constables Association; Ann Hettinger, Concerned Women For America; Marshall Kenderdine, Texas Pediatric Society; Erlinda Kindel, Catholic Advocacy Day; Diana Martinez, TexProtects, The Texas Association for the Protection of Children; Jason Sabo, Children at Risk; Aaron Setliff, The Texas Council on Family Violence; Corinne Smith, North Texas Citizens Lobby; Glenn Stockard, Texas Association Against Sexual Assault; and 24 individuals

Against — None
- BACKGROUND:** Code of Criminal Procedure (CCP) 7A covers protective orders for certain victims of sex trafficking, sexual assault, and stalking.

Article 7A.01 authorizes victims of specific offenses, parents or guardians of these victims, and prosecutors to file applications for protective orders. Two similar, but not identical, sections were added in 2011 by the 82nd Legislature that list the type of offenses for which the protective orders can be issued. One section was added by SB 250 by Zaffirini and one by SB 24 by Van de Putte, et al. Together, the sections allow applications for protective orders filed for continuous sexual abuse of a young child, indecency with a child, sexual assault, aggravated sexual assault, stalking and sex trafficking.

CCP art. 7A.01(b) establishes the venue for applications for these protective orders. Applications can be filed in the county in which the applicant lives or the county in which the alleged offender lives.

The CCP also contains two articles labeled 7A.03, both added in 2011 by the 82nd Legislature. One section was added by SB 250 by Zaffirini and the other by HB 649 by Gallego. Both sections establish the findings that courts must make when determining whether to issue the protective orders.

The two sections are similar, but not identical. The section from SB 250 requires courts to find whether there are reasonable grounds to believe that the applicant was a victim of sexual assault or of stalking. The section from HB 649 requires courts to find whether there are reasonable grounds to believe that the applicant was a victim of sexual assault. Neither section includes a finding that an applicant was a victim of sexual abuse or trafficking, although protective orders can be issued for these victims.

DIGEST:

CSHB 1292 would merge and reenact the two sections of CCP art. 7A.03 that were enacted by the 82nd Legislature in SB 250 and HB 649, resulting in one section requiring courts to make certain findings when determining whether to issue a protective order under CCP 7A. The bill would add victims of trafficking and sexual abuse to the types of victims for which the court had to make findings. Once reenacted and with the additions, judges would have to find whether there was reasonable grounds to believe that an applicant for a protective order was a victim of sexual assault or abuse, stalking, or trafficking.

CSHB 1292 would expand the venues where victims of sexual assault, stalking, and trafficking could apply for protective orders. The bill would allow them to be filed in any county in which an element of the alleged offense occurred or any court with jurisdiction over family violence protective orders under Title 4 of the Family Code, if the same parties were involved.

The bill would take effect September 1, 2013, and would apply only to protective orders issued on or after that date.