

BILL ANALYSIS

Senate Research Center

H.B. 1192
By: Rhodes (Armbrister)
Jurisprudence
5-14-97
Engrossed

DIGEST

In the 74th Legislative Session, an amendment to Section 71.15(i), Texas Family Code, was passed which added constables to the agencies authorized to provide an officer to protect an applicant obtaining an ex parte protective order while a respondent is removed. Constables were not given similar authority to provide protection to an applicant under Section 71.18(c). This bill allows a constable's office to provide a law enforcement officer to protect an applicant while a respondent removes himself or herself from the premises under a temporary and final protective order.

PURPOSE

As proposed, H.B. 1192 allows a constable's office to provide a law enforcement officer to protect an applicant who obtains a ex parte protective order while a respondent removes himself or herself from the premises.

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 86.003, Family Code, to require a court issuing a temporary ex parte protective order to submit written notice to certain individuals, including the constable.

SECTION 2. Amends Section 86.004, Family Code, to make a conforming change.

SECTION 3. Provides that this Act takes effect only if the 75th Legislature, at its regular session, enacts H.B. 1441 or S.B. 797 and either bill becomes law. Provides that if the legislation does not become law, this Act has no effect.

SECTION 4. Emergency clause.
Effective date: upon passage.