

BILL ANALYSIS

Senate Research Center

H.B. 2124
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Jurisprudence
5/13/1999
Engrossed

DIGEST

Currently, magistrates do not consistently issue an order for emergency protection in cases involving family violence. A victim of domestic violence who is not under such an order may be in danger if the defendant is released from jail. H.B. 2124 requires a magistrate to issue an order for emergency protection, in certain cases, and authorizes the suspension of a handgun license, in certain cases.

PURPOSE

As proposed, H.B. 2124 requires a magistrate to issue an order for emergency protection, in certain cases, and authorizes the suspension of a handgun license, in certain cases.

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 Article 17.292, Code of Criminal Procedure, to require a magistrate to issue an order for emergency protection, under certain conditions. Authorizes a magistrate to suspend a defendant's license to carry a concealed handgun. Makes conforming changes.

SECTION 2. Amends Chapter 17, Code of Criminal Procedure, by adding Article 17.293, as follows:

Art. 17.293. DELIVERY OF ORDER FOR EMERGENCY PROTECTION TO OTHER PERSONS. Requires a certain entity to immediately send a copy of the emergency protection order to the appropriate division of the Department of Public Safety (DPS) at its Austin headquarters. Sets forth requirements for DPS upon receipt of the order to suspend a license.

SECTION 3. Amends Section 19.03(a), Penal Code, to create an offense for a person who murders an individual who is protected by certain laws while the murderer has been directed a certain order. Makes conforming and nonsubstantive changes.

SECTION 4. Amends Section 30.05(b)(2), Penal Code, to redefine "notice."

SECTION 5. Amends Section 71.004, Family Code, to redefine "family violence."

SECTION 6. Amends Section 82.002(a), Family Code, to authorize a certain application to be filed by a member of a family, rather than an adult member.

SECTION 7. Amends Section 85.022, Family Code, by adding Subsection (d), to authorize the court to suspend a concealed handgun license held by a person found to have committed family violence.

SECTION 8. Amends Section 85.042, Family Code, by adding Subsection (e), to make conforming changes.

SECTION 9. Amends Section 411.180, Government Code, by adding Subsection (i), to provide that this section does not apply to a suspension of a license under certain provisions of the Family Code and Code of Criminal Procedure.

SECTION 10. Amends Sections 411.187(a) and (c), Government Code, to authorize the suspension of a license from a person who commits an act of family violence and is the subject of an active protective order or is arrested in an offense involving family violence and is the subject of an order for emergency protection. Authorizes the suspension of a license for the duration of a specific time period.

SECTION 11. (a) Provides that certain procedures in the Government Code, as set out in this Act, give effect to changes made by Chapter 1261, Acts of the 75th Legislature, Regular Session, 1997.

(b) Provides that this Act prevails over other Acts relating to nonsubstantive additions to and corrections in enacted codes.

SECTION 12. Makes application of changes in law made by Section 4 of this Act, prospective.

SECTION 13. Effective date: September 1, 1999.

SECTION 14. Emergency clause.