

BILL ANALYSIS

Senate Research Center
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S.B. 1275
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Jurisprudence
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As Filed

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

Under current law, a court order can be issued to protect victims of family violence. Many victims are unaware that these court orders exist.

As proposed, S.B. 1275 requires the court to inform a victim of family violence of the victim's right to a protective order. It also increases the order's minimum and maximum duration when a deadly weapon was involved in an assault.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Article 17.292(j), Code of Criminal Procedure, to provide that an order for emergency protection issued under certain circumstances, instead of under all circumstances, remains in effect up to the 61st day but not less than 31 days after the date of issuance. Provides that an order for emergency protection issued based on an arrest for an offense that also involves the use or exhibition of a deadly weapon during the commission of an assault remains in effect up to the 91st day but not less than 61 days after the date of issuance.

SECTION 2. Amends Subchapter E, Chapter 6, Family Code, by adding Section 6.404, as follows:

Sec. 6.404. INFORMATION REGARDING PROTECTIVE ORDERS. Requires the court, at any time while a suit for dissolution of a marriage is pending, if the court believes, on the basis of any information received by the court, that a party to the suit or a member of the party's family or household may be a victim of family violence, to inform that party of the party's right to apply for a protective order.

SECTION 3. Amends Chapter 105, Family Code, by adding Section 105.0011, as follows.

Sec. 105.0011. INFORMATION REGARDING PROTECTIVE ORDERS. Requires the court, at any time while a suit is pending, if the court believes, on the basis of any information received by the court, that a party to the suit or a member of the party's family or household may be a victim of family violence, to inform that party of the party's right to apply for a protective order.

SECTION 4. Makes application of Article 17.292(j), Code of Criminal Procedure, as amended by this Act, prospective.

SECTION 5. Effective date: upon passage or September 1, 2005.