

BILL ANALYSIS

Senate Research Center

C.S.S.B. 116
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Criminal Justice
3/9/2011
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Currently, in the event of dating violence, only a current or former spouse, boyfriend, or girlfriend is eligible to apply for a protective order against his or her partner or ex-partner. Moreover, in the event of family violence, only members of a family or household can apply for a protective order against other members of the same family or household.

This bill would allow third parties to apply for a protective order against their current or former significant other's ex-partner. This bill would also allow third parties to apply for a protective order against their current or former significant other's family or household members.

C.S.S.B. 116 amends current law relating to protective orders against dating violence.

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. Requires this Act to be known as the Kristy Appleby Act.

SECTION 2. Amends Section 71.0021(a), Family Code, as follows:

(a) Redefines "dating violence" as an act by an individual that is against another individual with whom that person has or has had a dating relationship, or by an individual against another individual who is in a dating relationship with a third individual with whom the actor is or has been in a dating relationship or marriage, and that is intended to result in physical harm, bodily injury, assault, or sexual assault or that is a threat that reasonably places the individual in fear of imminent physical harm, bodily injury, assault, or sexual assault, but does not include defensive measures to protect oneself.

SECTION 3. Makes application of this Act prospective.

SECTION 4. Effective date: upon passage or September 1, 2011.