

BILL ANALYSIS

Senate Research Center
84R8877 JSC-D

H.B. 1782
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Criminal Justice
5/21/2015
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Under current law, Chapter 81 of the Family Code allows for protective orders when family violence has occurred and is likely to occur in the future. Adopted children whose parents' rights have been terminated are not automatically extended these same protections, even when a family violence offense has been committed.

H.B. 1782 allows for the issuance of a protection order when the respondent has been convicted of, or placed on, deferred adjudication community supervision for an offense involving family violence or offense under Title 6, Penal Code, and the respondent's parental rights with respect to the child have been terminated and the respondent is seeking or attempting to seek contact with the child.

H.B. 1782 amends current law relating to protective orders against certain persons who are convicted of or placed on deferred adjudication community supervision for an offense involving family 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. Amends Chapter 81, Family Code, by adding Section 81.0015, as follows:

Sec. 81.0015. PRESUMPTION. Provides that, for purposes of this subtitle, there is a presumption that family violence has occurred and is likely to occur in the future if:

- (1) the respondent has been convicted of or placed on deferred adjudication community supervision for any of the following offenses against the child for whom the petition is filed:
 - (A) an offense under Title 5 (Offenses Against the Person), Penal Code, for which the court has made an affirmative finding that the offense involved family violence under Article 42.013 (Finding of Family Violence), Code of Criminal Procedure; or
 - (B) an offense under Title 6 (Offenses Against the Family), Penal Code;
- (2) the respondent's parental rights with respect to the child have been terminated; and
- (3) the respondent is seeking or attempting to seek contact with the child.

SECTION 2. Provides that the change in law made by this Act applies only to a request for a protective order that is filed on or after the effective date of this Act. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2015.