

BILL ANALYSIS

Senate Research Center

S.B. 712
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State Affairs
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Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Currently, a "permanent" protective order in Texas lasts up to two years. Courts can enter a protective order for a longer period of time if there have been either two prior protective orders involving the same parties or if the offender has caused seriously bodily injury to the victim.

"Seriously bodily injury" encompasses the most severe violence and is defined in the Penal Code as "bodily injury that creates a substantial risk of death or that causes death, serious permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ." This does not include strangulation, continuous violence against the family, continuous violation of a protective order, or enhanced assault family violence, among other felonies.

S.B. 712 adds felony-level family violence offenses to be eligible for protective orders greater than two years. (Original Author's / Sponsor's Statement of Intent)

S.B. 712 amends current law relating to the duration of certain protective orders against 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 Section 85.025 (a-1), Family Code, as follows:

(a-1) Authorizes the court to render a certain protective order if the court finds that the person who is the subject of the protective order committed an act constituting a felony offense involving family violence against the applicant or a member of the applicant's family or household, regardless of whether the person has been charged with or convicted of the offense. Redesignates existing Subdivisions (1) and (2) as Subdivisions (2) and (3) and makes no further changes to these subdivisions.

SECTION 2. Makes application of this Act, as it applies to an application for a protective order, prospective.

SECTION 3. Effective date: September 1, 2017.