

Chapter 97

S.B. No. 257

AN ACT

1  
2 relating to judicial review of protective orders and the duration  
3 of those orders.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Section 85.025, Family Code, is amended by  
6 amending Subsection (b) and adding Subsections (b-1), (b-2), and  
7 (b-3) to read as follows:

8 (b) A person who is the subject of a protective order may  
9 file a motion not earlier than the first anniversary of the date on  
10 which the order was rendered requesting that the court review the  
11 protective order and determine whether there is a continuing need  
12 for the order.

13 (b-1) Following the filing of a motion under Subsection (b),  
14 a [A] person who is the subject of a protective order issued under  
15 Subsection (a-1) that is effective for a period that exceeds two  
16 years may file not more than one [a] subsequent motion requesting  
17 that the court review the protective order and determine whether  
18 there is a continuing need for the order. The subsequent motion may  
19 not be filed earlier than the first anniversary of the date on which  
20 the court rendered an order on the [a] previous motion by the person  
21 ~~[under this subsection].~~

22 (b-2) After a hearing on a [the] motion under Subsection (b)  
23 or (b-1), if the court does not make a finding that there is no  
24 continuing need for the protective order, the protective order

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1 remains in effect until the date the order expires under this  
2 section. Evidence of the movant's compliance with the protective  
3 order does not by itself support a finding by the court that there  
4 is no continuing need for the protective order. If the court finds  
5 there is no continuing need for the protective order, the court  
6 shall order that the protective order expires on a date set by the  
7 court.

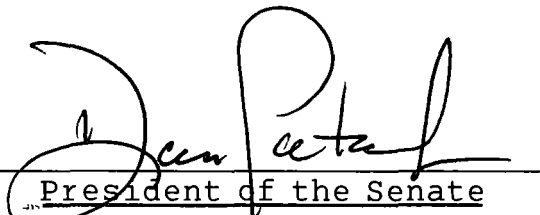
8 (b-3) Subsection (b) does not apply to a protective order  
9 issued under Chapter 7A, Code of Criminal Procedure.

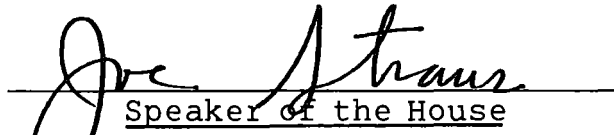
10 SECTION 2. Article 7A.07(c), Code of Criminal Procedure, is  
11 repealed.

12 SECTION 3. The changes in law made by this Act apply only to  
13 a protective order issued on or after the effective date of this  
14 Act. A protective order issued before the effective date of this  
15 Act is governed by the law in effect on the date the order is issued,  
16 and the former law is continued in effect for that purpose.

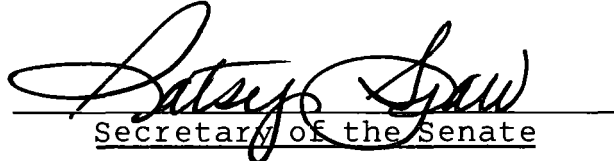
17 SECTION 4. This Act takes effect September 1, 2017.

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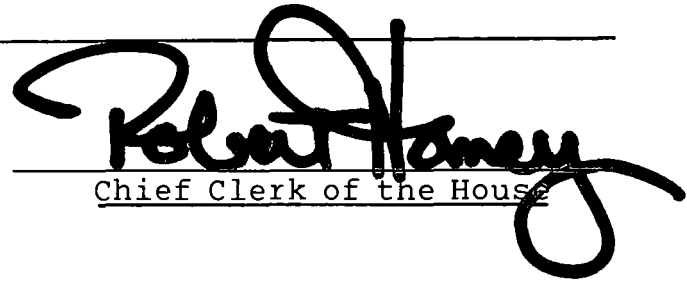
  
President of the Senate

  
Speaker of the House

I hereby certify that S.B. No. 257 passed the Senate on April 19, 2017, by the following vote: Yeas 31, Nays 0. \_\_\_\_\_

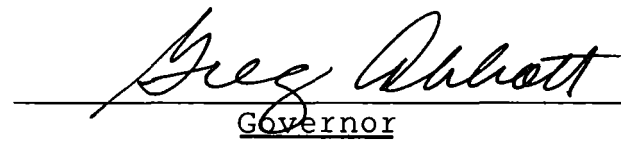
  
Secretary of the Senate

I hereby certify that S.B. No. 257 passed the House on May 11, 2017, by the following vote: Yeas 144, Nays 2, two present not voting. \_\_\_\_\_

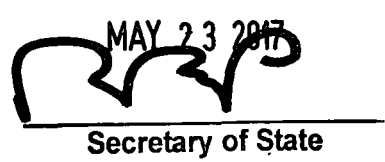
  
Chief Clerk of the House

Approved:

5-22-2017  
Date

  
Governor

FILED IN THE OFFICE OF THE  
SECRETARY OF STATE  
8:21 O'CLOCK

MAY 23 2017  
  
Secretary of State

**LEGISLATIVE BUDGET BOARD  
Austin, Texas**

**FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION**

**May 5, 2017**

**TO:** Honorable John T. Smithee, Chair, House Committee on Judiciary & Civil Jurisprudence

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE:** SB257 by Taylor, Van (Relating to judicial review of protective orders and the duration of those orders.), **As Engrossed**

**No significant fiscal implication to the State is anticipated.**

The bill would amend the Family Code relating to judicial review of protective orders and the duration of those orders. According to the Office of Court Administration, Office of the Attorney General, and the Department of Family and Protective Services, it is assumed that duties and responsibilities associated with implementing the provisions of the bill could be accomplished by utilizing existing resources.

The bill would take effect September 1, 2017.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 212 Office of Court Administration, Texas Judicial Council, 302 Office of the Attorney General, 530 Family and Protective Services, Department of

**LBB Staff:** UP, AG, EP, JLi, LBO

**LEGISLATIVE BUDGET BOARD  
Austin, Texas**

**FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION**

**April 7, 2017**

**TO:** Honorable Joan Huffman, Chair, Senate Committee on State Affairs

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE:** SB257 by Taylor, Van (Relating to judicial review of protective orders and the duration of those orders.), **As Introduced**

**No significant fiscal implication to the State is anticipated.**

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