

## Chapter 1032

H.B. No. 1447

### AN ACT

relating to protective orders for certain victims of sexual assault or abuse, stalking, or trafficking.

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

SECTION 1. Article 7A.01(a), Code of Criminal Procedure, is amended to read as follows:

(a) The following persons may file an application for a protective order under this chapter without regard to the relationship between the applicant and the alleged offender:

(1) a person who is the victim of an offense under Section 21.02, 21.11, 22.011, 22.021, or 42.072, Penal Code;

(2) a person who is the victim of an offense under Section 20A.02, 20A.03, or 43.05, Penal Code;

(3) a parent or guardian acting on behalf of a person younger than 17 years of age who is the victim of an offense listed in Subdivision (1);

(4) a parent or guardian acting on behalf of a person younger than 18 years of age who is the victim of an offense listed in Subdivision (2); or

(5) a prosecuting attorney acting on behalf of a person described by Subdivision (1), ~~(2)~~, (3), or (4).

SECTION 2. The heading to Article 56.021, Code of Criminal Procedure, is amended to read as follows:

Art. 56.021. RIGHTS OF VICTIM OF SEXUAL ASSAULT OR ABUSE,

1 STALKING, OR TRAFFICKING.

2 SECTION 3. Article 56.021, Code of Criminal Procedure, is  
3 amended by adding Subsection (d) to read as follows:

4 (d) This subsection applies only to a victim of an offense  
5 under Section 20A.02, 20A.03, 21.02, 21.11, 22.011, 22.021, 42.072,  
6 or 43.05, Penal Code. In addition to the rights enumerated in  
7 Article 56.02 and, if applicable, Subsection (a) of this article, a  
8 victim described by this subsection or a parent or guardian of the  
9 victim is entitled to the following rights within the criminal  
10 justice system:

11 (1) the right to request that the attorney  
12 representing the state, subject to the Texas Disciplinary Rules of  
13 Professional Conduct, file an application for a protective order  
14 under Article 7A.01 on behalf of the victim;

15 (2) the right to be informed:

16 (A) that the victim or the victim's parent or  
17 guardian, as applicable, may file an application for a protective  
18 order under Article 7A.01;

19 (B) of the court in which the application for a  
20 protective order may be filed; and

21 (C) that, on request of the victim or the  
22 victim's parent or guardian, as applicable, and subject to the  
23 Texas Disciplinary Rules of Professional Conduct, the attorney  
24 representing the state may file the application for a protective  
25 order;

26 (3) if the victim or the victim's parent or guardian,  
27 as applicable, is present when the defendant is convicted or placed

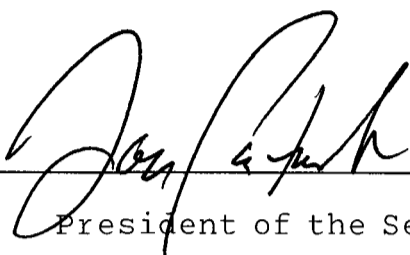
1 on deferred adjudication community supervision, the right to be  
2 given by the court the information described by Subdivision (2)  
3 and, if the court has jurisdiction over applications for protective  
4 orders that are filed under Article 7A.01, the right to file an  
5 application for a protective order immediately following the  
6 defendant's conviction or placement on deferred adjudication  
7 community supervision; and

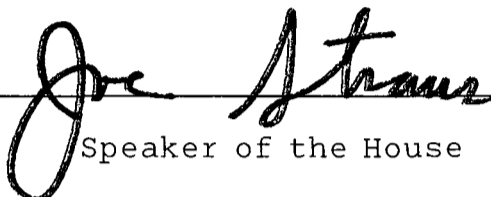
8 (4) if the victim or the victim's parent or guardian,  
9 as applicable, is not present when the defendant is convicted or  
10 placed on deferred adjudication community supervision, the right to  
11 be given by the attorney representing the state the information  
12 described by Subdivision (2).

13 SECTION 4. The change in law made by this Act applies to a  
14 victim of criminally injurious conduct for which a judgment of  
15 conviction is entered or a grant of deferred adjudication is made on  
16 or after the effective date of this Act, regardless of whether the  
17 criminally injurious conduct occurred before, on, or after the  
18 effective date of this Act.

19 SECTION 5. This Act takes effect September 1, 2015.

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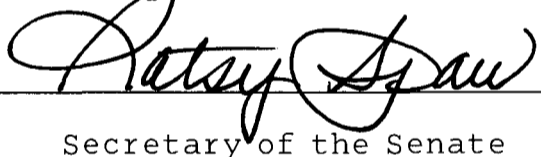
  
\_\_\_\_\_  
President of the Senate

  
\_\_\_\_\_  
Speaker of the House

I certify that H.B. No. 1447 was passed by the House on April 13, 2015, by the following vote: Yeas 142, Nays 0, 1 present, not voting.

  
\_\_\_\_\_  
Chief Clerk of the House

I certify that H.B. No. 1447 was passed by the Senate on May 27, 2015, by the following vote: Yeas 31, Nays 0.


  
\_\_\_\_\_  
Secretary of the Senate

APPROVED: 6-13-2015

Date

  
\_\_\_\_\_  
Governor

FILED IN THE OFFICE OF THE  
SECRETARY OF STATE  
6:30 pm O'CLOCK

JUN 19 2015  
  
\_\_\_\_\_  
Secretary of State

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION**

**May 24, 2015**

**TO:** Honorable Kelly Hancock, Chair, Senate Committee on Administration

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

**IN RE: HB1447** by Dale (Relating to protective orders for certain victims of sexual assault or abuse, stalking, or trafficking.), **As Engrossed**

<p><b>No significant fiscal implication to the State is anticipated.</b></p>
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The bill would amend the Code of Criminal Procedure to add victims of the offense of Continuous Trafficking of Persons under the Penal Code Section to the list of persons who may file for a protective order without regard to the relationship between the applicant and the alleged offender. The bill would provide these victims several rights, as described.

The Office of Court Administration indicates that bill provisions are not anticipated to have a significant fiscal implication to the court system.

**Local Government Impact**

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

**Source Agencies:** 212 Office of Court Administration, Texas Judicial Council

**LBB Staff:** UP, KK, KJo, MW, GDz, TB

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION**

**March 20, 2015**

**TO:** Honorable Abel Herrero, Chair, House Committee on Criminal Jurisprudence

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

**IN RE: HB1447** by Dale ( Relating to protective orders for certain victims of sexual assault or abuse, stalking, or trafficking.), **Committee Report 1st House, Substituted**

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

The bill would amend the Code of Criminal Procedure to add victims of the offense of Continuous Trafficking of Persons under the Penal Code Section to the list of persons who may file for a protective order without regard to the relationship between the applicant and the alleged offender. The bill would provide these victims several rights, as described.

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**LBB Staff:** UP, KJo, MW, GDz, TB

**LEGISLATIVE BUDGET BOARD  
Austin, Texas**

**FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION**

**March 11, 2015**

**TO:** Honorable Abel Herrero, Chair, House Committee on Criminal Jurisprudence

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

**IN RE:** HB1447 by Dale (Relating to protective orders on behalf of victims of certain sex offenses.), **As Introduced**

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

The bill would amend the Code of Criminal Procedure to require that prosecuting attorneys file a protection order application on behalf of the victim against a defendant convicted of certain offenses.

Based on the analysis of the Office of Court Administration, duties and responsibilities associated with implementing the provisions of the bill could be accomplished by utilizing existing resources.

**Local Government Impact**

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

**Source Agencies:** 212 Office of Court Administration, Texas Judicial Council

**LBB Staff:** UP, KJo, MW, GDz