

Chapter 108

S.B. No. 112

AN ACT

1  
2 relating to the authority of a magistrate to prohibit certain  
3 communications in an order for emergency protection; amending  
4 provisions subject to a criminal penalty.

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

6 SECTION 1. Article 17.292(c), Code of Criminal Procedure,  
7 is amended to read as follows:

8 (c) The magistrate in the order for emergency protection may  
9 prohibit the arrested party from:

10 (1) committing:

11 (A) family violence or an assault on the person  
12 protected under the order; or

13 (B) an act in furtherance of an offense under  
14 Section 42.072, Penal Code;

15 (2) communicating:

16 (A) directly with a member of the family or  
17 household or with the person protected under the order in a  
18 threatening or harassing manner; ~~or~~

19 (B) a threat through any person to a member of the  
20 family or household or to the person protected under the order; or

21 (C) if the magistrate finds good cause, in any  
22 manner with a person protected under the order or a member of the  
23 family or household of a person protected under the order, except  
24 through the party's attorney or a person appointed by the court;

S.B. No. 112

1           (3) going to or near:

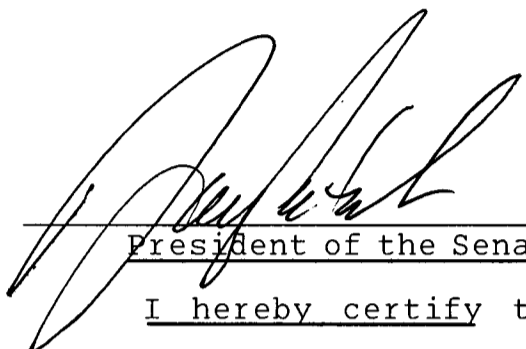
2                   (A) the residence, place of employment, or  
3 business of a member of the family or household or of the person  
4 protected under the order; or

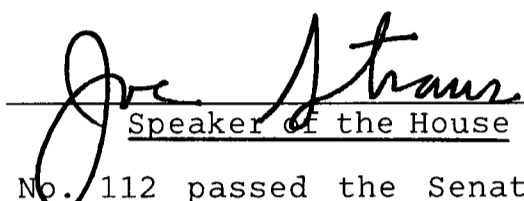
5                   (B) the residence, child care facility, or school  
6 where a child protected under the order resides or attends; or

7           (4) possessing a firearm, unless the person is a peace  
8 officer, as defined by Section 1.07, Penal Code, actively engaged  
9 in employment as a sworn, full-time paid employee of a state agency  
10 or political subdivision.

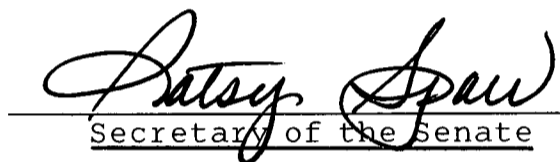
11           SECTION 2. This Act takes effect immediately if it receives  
12 a vote of two-thirds of all the members elected to each house, as  
13 provided by Section 39, Article III, Texas Constitution. If this  
14 Act does not receive the vote necessary for immediate effect, this  
15 Act takes effect September 1, 2015.

S.B. No. 112

  
President of the Senate

  
Speaker of the House

I hereby certify that S.B. No. 112 passed the Senate on April 13, 2015, by the following vote: Yeas 31, Nays 0; and that the Senate concurred in House amendment on May 13, 2015, by the following vote: Yeas 31, Nays 0. \_\_\_\_\_

  
Secretary of the Senate

I hereby certify that S.B. No. 112 passed the House, with amendment, on May 5, 2015, by the following vote: Yeas 146, Nays 0, two present not voting.

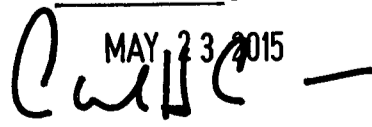
  
Chief Clerk of the House

Approved:

5-23-2015  
Date

  
Governor

FILED IN THE OFFICE OF THE  
SECRETARY OF STATE  
O'CLOCK

  
Secretary of State

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

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

**April 28, 2015**

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

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

**IN RE:** SB112 by Taylor, Van (relating to the authority of a magistrate to prohibit certain communications in an order for emergency protection; amending provisions subject to a criminal penalty.), **Committee Report 2nd House, Substituted**

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

The bill would amend the Code of Criminal Procedure to authorize magistrates to prohibit defendants from communicating in any manner with the victim or a member of the victim's family or household, except through the party's attorney or a court-appointed person.

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 in 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, TB, KJo, MW, GDz

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

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

**March 30, 2015**

**TO:** Honorable John Whitmire, Chair, Senate Committee on Criminal Justice

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

**IN RE:** SB112 by Taylor, Van (Relating to the authority of a magistrate to prohibit certain communications in an order for emergency protection.), **As Introduced**

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

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