

1-1 By: Lucio III, Hartnett H.B. No. 1721  
1-2 (Senate Sponsor - Zaffirini)  
1-3 (In the Senate - Received from the House April 27, 2011;  
1-4 May 3, 2011, read first time and referred to Committee on Criminal  
1-5 Justice; May 21, 2011, reported favorably by the following vote:  
1-6 Yeas 6, Nays 0; May 21, 2011, sent to printer.)

1-7 A BILL TO BE ENTITLED  
1-8 AN ACT

1-9 relating to protective orders for certain victims of stalking or  
1-10 sexual assault.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. Chapter 6, Code of Criminal Procedure, is  
1-13 amended by adding Article 6.09 to read as follows:

1-14 Art. 6.09. STALKING PROTECTIVE ORDER. (a) At any  
1-15 proceeding related to an offense under Section 42.072, Penal Code,  
1-16 in which the defendant appears before the court, a person may  
1-17 request the court to render a protective order under Title 4, Family  
1-18 Code, for the protection of the person. The request is made by  
1-19 filing "An Application for a Protective Order" in the same manner as  
1-20 an application for a protective order under Title 4, Family Code.

1-21 (b) The court shall render a protective order in the manner  
1-22 provided by Title 4, Family Code, if, in lieu of the finding that  
1-23 family violence occurred and is likely to occur in the future as  
1-24 required by Section 85.001, Family Code, the court finds that  
1-25 probable cause exists to believe that an offense under Section  
1-26 42.072, Penal Code, occurred and that the nature of the scheme or  
1-27 course of conduct engaged in by the defendant in the commission of  
1-28 the offense indicates that the defendant is likely to engage in the  
1-29 future in conduct prohibited by Section 42.072(a)(1), (2), or (3),  
1-30 Penal Code.

1-31 (c) The procedure for the enforcement of a protective order  
1-32 under Title 4, Family Code, applies to the fullest extent  
1-33 practicable to the enforcement of a protective order under this  
1-34 article, including provisions relating to findings, contents,  
1-35 duration, warning, delivery, law enforcement duties, and  
1-36 modification.

1-37 SECTION 2. Chapter 7A, Code of Criminal Procedure, is  
1-38 amended by adding Article 7A.035 to read as follows:

1-39 Art. 7A.035. HEARSAY STATEMENT OF CHILD VICTIM. In a  
1-40 hearing on an application for a protective order under this  
1-41 chapter, a statement that is made by a child younger than 14 years  
1-42 of age who is the victim of an offense under Section 21.02, 21.11,  
1-43 22.011, or 22.021, Penal Code, and that describes the offense  
1-44 committed against the child is admissible as evidence in the same  
1-45 manner that a child's statement regarding alleged abuse against the  
1-46 child is admissible under Section 104.006, Family Code, in a suit  
1-47 affecting the parent-child relationship.

1-48 SECTION 3. (a) Article 6.09, Code of Criminal Procedure,  
1-49 as added by this Act, applies to the commission of an offense under  
1-50 Section 42.072, Penal Code, without regard to whether the offense  
1-51 was committed before, on, or after the effective date of this Act.

1-52 (b) Article 7A.035, Code of Criminal Procedure, as added by  
1-53 this Act, applies only to a hearing on an application for a  
1-54 protective order that is commenced on or after the effective date of  
1-55 this Act. A hearing on an application for a protective order that  
1-56 is commenced before the effective date of this Act is governed by  
1-57 the law in effect on the date the hearing was commenced, and the  
1-58 former law is continued in effect for that purpose.

1-59 SECTION 4. This Act takes effect September 1, 2011.

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