

BILL ANALYSIS

Senate Research Center

S.B. 130

By: Nelson; Garcia

Jurisprudence

7/1/2013

Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Section 81.0075 (Representation by Prosecuting Attorney in Certain Subsequent Actions), Family Code, clarifies that a prosecutor who represents a victim of family violence in obtaining a protective order can represent the Department of Family and Protective Services (DFPS) in an action that involves the victim without constituting a conflict of interest. S.B. 130 clarifies that there is also no conflict of interest when a prosecutor representing DFPS in an action involving the victim assists that victim with obtaining a protective order.

S.B. 130 amends current law relating to representation by prosecuting attorneys in proceedings for protective orders against family violence and in certain other actions.

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 81.0075, Family Code, as follows:

Sec. 81.0075. New heading: REPRESENTATION BY PROSECUTING ATTORNEY IN CERTAIN OTHER ACTIONS. Provides that a prosecuting attorney, subject to the Texas Disciplinary Rules of Professional Conduct, is not precluded from representing a party in a proceeding under this subtitle (Protective Orders) and the Department of Family and Protective Services (DFPS) in another action involving the party, regardless of whether the proceeding under this subtitle occurs before, concurrently with, or after the other action involving the party, rather than providing that a prosecuting attorney who represents a party in a proceeding under this subtitle is not precluded from representing DFPS in a subsequent action involving the party.

SECTION 2. Effective date: upon passage or September 1, 2013.