

By: Laubenberg

H.B. No. 1469

A BILL TO BE ENTITLED

AN ACT

relating to provisions in protective orders regarding pets and other companion animals; providing a penalty.

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

SECTION 1. Section 85.021, Family Code, is amended to read as follows:

Sec. 85.021. REQUIREMENTS OF ORDER APPLYING TO ANY PARTY. In a protective order, the court may:

(1) prohibit a party from:

(A) removing a child who is a member of the family or household from:

(i) the possession of a person named in the order; or

(ii) the jurisdiction of the court;

(B) transferring, encumbering, or otherwise disposing of property, other than in the ordinary course of business, that is mutually owned or leased by the parties; or

(C) removing a pet, companion animal, or assistance animal, as defined by Section 121.002, Human Resources Code, from the possession or actual or constructive care of a person named in the order;

(2) grant exclusive possession of a residence to a party and, if appropriate, direct one or more parties to vacate the residence if the residence:

1 (A) is jointly owned or leased by the party
2 receiving exclusive possession and a party being denied possession;

3 (B) is owned or leased by the party retaining
4 possession; or

5 (C) is owned or leased by the party being denied
6 possession and that party has an obligation to support the party or
7 a child of the party granted possession of the residence;

8 (3) provide for the possession of and access to a child
9 of a party if the person receiving possession of or access to the
10 child is a parent of the child;

11 (4) require the payment of support for a party or for a
12 child of a party if the person required to make the payment has an
13 obligation to support the other party or the child; or

14 (5) award to a party the use and possession of
15 specified property that is community property or jointly owned or
16 leased property.

17 SECTION 2. Section 85.022(b), Family Code, is amended to
18 read as follows:

19 (b) In a protective order, the court may prohibit the person
20 found to have committed family violence from:

21 (1) committing family violence;

22 (2) communicating:

23 (A) directly with a person protected by an order
24 or a member of the family or household of a person protected by an
25 order, in a threatening or harassing manner;

26 (B) a threat through any person to a person
27 protected by an order or a member of the family or household of a

1 person protected by an order; and

2 (C) if the court finds good cause, in any manner
3 with a person protected by an order or a member of the family or
4 household of a person protected by an order, except through the
5 party's attorney or a person appointed by the court;

6 (3) going to or near the residence or place of
7 employment or business of a person protected by an order or a member
8 of the family or household of a person protected by an order;

9 (4) going to or near the residence, child-care
10 facility, or school a child protected under the order normally
11 attends or in which the child normally resides;

12 (5) engaging in conduct directed specifically toward a
13 person who is a person protected by an order or a member of the
14 family or household of a person protected by an order, including
15 following the person, that is reasonably likely to harass, annoy,
16 alarm, abuse, torment, or embarrass the person;

17 (6) possessing a firearm, unless the person is a peace
18 officer, as defined by Section 1.07, Penal Code, actively engaged
19 in employment as a sworn, full-time paid employee of a state agency
20 or political subdivision; and

21 (7) harming, threatening, or interfering with the
22 care, custody, or control of a pet, companion animal, or assistance
23 animal, as defined by Section 121.002, Human Resources Code, that
24 is possessed by or is in the actual or constructive care of a person
25 protected by an order or by a member of the family or household of a
26 person protected by an order.

27 SECTION 3. Section 25.07, Penal Code, is amended by adding

1 Subsection (a-1) to read as follows:

2 (a-1) For purposes of Subsection (a)(5), possession of a
3 pet, companion animal, or assistance animal by a person means:

4 (1) actual care, custody, control, or management of a
5 pet, companion animal, or assistance animal by the person; or

6 (2) constructive possession of a pet, companion
7 animal, or assistance animal owned by the person or for which the
8 person has been the primary caregiver.

9 SECTION 4. The changes in law made by this Act to Sections
10 85.021 and 85.022, Family Code, apply only to a protective order
11 rendered on or after the effective date of this Act. A protective
12 order rendered before the effective date of this Act is governed by
13 the law in effect on the date the protective order was rendered, and
14 the former law is continued in effect for that purpose.

15 SECTION 5. The change in law made by this Act to Section
16 25.07, Penal Code, applies only to an offense committed on or after
17 the effective date of this Act. An offense committed before the
18 effective date of this Act is covered by the law in effect when the
19 offense was committed, and the former law is continued in effect for
20 that purpose. For purposes of this section, an offense was
21 committed before the effective date of this Act if any element of
22 the offense was committed before that date.

23 SECTION 6. This Act takes effect September 1, 2013.