

CHAPTER 170

S.B. No. 1111

AN ACT

relating to the offense of violation of a court order.

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. Section 25.08, Penal Code, as amended, is amended to read as follows:

Sec. 25.08. VIOLATION OF COURT ORDER. (a) A person commits an offense if, in violation of an order issued under Section 3.581, Section 71.11, or Section 71.12, Family Code, he knowingly or intentionally:

- (1) commits family violence;
- (2) directly communicates with a member of the family or household in a threatening or harassing manner; or

(3) goes to or near *any of the following places* [~~the residence or place of employment or business of a member of the family or household~~] as specifically described in the protective order:

*(A) the residence or place of employment or business of a member of the family or household; or*

*(B) any child care facility, residence, or school where a child protected by the protective order normally resides or attends.*

(b) For the purposes of this section, "family violence," "family," "household," and "member of a household" have the meanings assigned by Section 71.01, Family Code.

(c) If conduct constituting an offense under this section also constitutes an offense under another section of this code, the actor may be prosecuted under either section or under both sections.

(d) *Reconciliatory actions or agreements made by persons affected by a protective order do not affect the validity of the order or the duty of a peace officer to enforce this section.*

(e) *It is an exception to the application of this section that the person was the applicant for the order or is a person whom the order is intended to protect.*

(f) An offense under this section is a Class B misdemeanor.

SECTION 2. (a) The change in law made by this Act applies only to an offense committed on or after the effective date of this Act. For purposes of this section, an

offense is committed before the effective date of this Act if any element of the offense occurs before the effective date.

(b) An offense committed before the effective date of this Act is covered by the law in effect when the offense was committed, and the former law is continued in effect for this purpose.

SECTION 3. This Act takes effect September 1, 1987.

SECTION 4. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

Passed the Senate on April 30, 1987, by a viva-voce vote. Passed the House on May 14, 1987, by a non-record vote.

Approved May 25, 1987.

Effective Sept. 1, 1987.