

Department of Planning and Budget 2014 Fiscal Impact Statement

1. Bill Number: SB 151

House of Origin Introduced Substitute Engrossed
Second House In Committee Substitute Enrolled

2. Patron: Stuart

3. Committee: House Courts of Justice

4. Title: Protective orders in cases of family abuse

5. Summary:

Under current law, “family abuse” is defined as “any act involving violence, force, or threat that results in bodily injury or places one in reasonable apprehension of death, sexual assault, or bodily injury and that is committed by a person against such person's family or household member.” In any case involving family abuse, the court may issue a protective order to protect the health and safety of the petitioner and family or household members of the petitioner. The law sets out numerous conditions that the court may include in its protective order. The proposed legislation would add the following conditions that may be included in the protective order:

- Requiring the respondent to maintain the utilities, mortgage payments, rent, insurance, and taxes on the residence of the petitioner, as may be appropriate;
- Enjoining the respondent from terminating any insurance, registration, or taxes on a motor vehicle owned by the petitioner or jointly owned by the parties and directing the respondent to maintain such insurance, registration, or taxes, as may be appropriate; and
- Requiring the respondent to maintain utilities and rent for alternative housing, as may be appropriate.

Furthermore, in a situation in which a protective order was issued in relation to family abuse, the proposed legislation would authorize the court to issue a temporary spousal support order.

6. Budget Amendment Necessary: No.

7. Fiscal Impact Estimates: Preliminary. See Item 8 below.

8. Fiscal Implications:

Current statutes do establish criminal penalties for violations of protective orders. However, they apply for protective order violations relating to trespass, family abuse, criminal offenses, or prohibited contact. Consequently, the proposed legislation is not expected to have any state fiscal impact.

9. Specific Agency or Political Subdivisions Affected: Juvenile and Domestic Relations
District Courts

10. Technical Amendment Necessary: None.

11. Other Comments: None.

Date: 2/14/2014

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