

By: Rodríguez
(Thompson of Harris)

S.B. No. 815

A BILL TO BE ENTITLED

AN ACT

relating to a temporary restraining order for preservation of property and protection of the parties in a suit for the dissolution of marriage.

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

SECTION 1. Section 6.501(a), Family Code, is amended to read as follows:

(a) After the filing of a suit for dissolution of a marriage, on the motion of a party or on the court's own motion, the court may grant a temporary restraining order without notice to the adverse party for the preservation of the property and for the protection of the parties as necessary, including an order prohibiting one or both parties from:

(1) intentionally communicating in person or in any other manner, including by telephone or another electronic voice transmission, video chat, [or] in writing, or electronic messaging, with the other party by use of vulgar, profane, obscene, or indecent language or in a coarse or offensive manner, with intent to annoy or alarm the other party;

(2) threatening the other party in person or in any other manner, including by telephone or another electronic voice transmission, video chat, [or] in writing, or electronic messaging, to take unlawful action against any person, intending by this action to annoy or alarm the other party;

1 (3) placing a telephone call, anonymously, at an
2 unreasonable hour, in an offensive and repetitious manner, or
3 without a legitimate purpose of communication with the intent to
4 annoy or alarm the other party;

5 (4) intentionally, knowingly, or recklessly causing
6 bodily injury to the other party or to a child of either party;

7 (5) threatening the other party or a child of either
8 party with imminent bodily injury;

9 (6) intentionally, knowingly, or recklessly
10 destroying, removing, concealing, encumbering, transferring, or
11 otherwise harming or reducing the value of the property of the
12 parties or either party with intent to obstruct the authority of the
13 court to order a division of the estate of the parties in a manner
14 that the court deems just and right, having due regard for the
15 rights of each party and any children of the marriage;

16 (7) intentionally falsifying a writing or record,
17 including an electronic record, relating to the property of either
18 party;

19 (8) intentionally misrepresenting or refusing to
20 disclose to the other party or to the court, on proper request, the
21 existence, amount, or location of any tangible or intellectual
22 property of the parties or either party, including electronically
23 stored or recorded information;

24 (9) intentionally or knowingly damaging or destroying
25 the tangible or intellectual property of the parties or either
26 party, including electronically stored or recorded information;

27 [~~or~~]

1 (10) intentionally or knowingly tampering with the
2 tangible or intellectual property of the parties or either party,
3 including electronically stored or recorded information, and
4 causing pecuniary loss or substantial inconvenience to the other
5 party;

6 (11) except as specifically authorized by the court:

7 (A) selling, transferring, assigning,
8 mortgaging, encumbering, or in any other manner alienating any of
9 the property of the parties or either party, regardless of whether
10 the property is:

11 (i) personal property, real property, or
12 intellectual property; or

13 (ii) separate or community property;

14 (B) incurring any debt, other than legal expenses
15 in connection with the suit for dissolution of marriage;

16 (C) withdrawing money from any checking or
17 savings account in a financial institution for any purpose;

18 (D) spending any money in either party's
19 possession or subject to either party's control for any purpose;

20 (E) withdrawing or borrowing money in any manner
21 for any purpose from a retirement, profit sharing, pension, death,
22 or other employee benefit plan, employee savings plan, individual
23 retirement account, or Keogh account of either party; or

24 (F) withdrawing or borrowing in any manner all or
25 any part of the cash surrender value of a life insurance policy on
26 the life of either party or a child of the parties;

27 (12) entering any safe deposit box in the name of or

1 subject to the control of the parties or either party, whether
2 individually or jointly with others;

3 (13) changing or in any manner altering the
4 beneficiary designation on any life insurance policy on the life of
5 either party or a child of the parties;

6 (14) canceling, altering, failing to renew or pay
7 premiums on, or in any manner affecting the level of coverage that
8 existed at the time the suit was filed of, any life, casualty,
9 automobile, or health insurance policy insuring the parties'
10 property or persons, including a child of the parties;

11 (15) opening or diverting mail or e-mail or any other
12 electronic communication addressed to the other party;

13 (16) signing or endorsing the other party's name on any
14 negotiable instrument, check, or draft, including a tax refund,
15 insurance payment, and dividend, or attempting to negotiate any
16 negotiable instrument payable to the other party without the
17 personal signature of the other party;

18 (17) taking any action to terminate or limit credit or
19 charge credit cards in the name of the other party;

20 (18) discontinuing or reducing the withholding for
21 federal income taxes from either party's wages or salary;

22 (19) destroying, disposing of, or altering any
23 financial records of the parties, including a canceled check,
24 deposit slip, and other records from a financial institution, a
25 record of credit purchases or cash advances, a tax return, and a
26 financial statement;

27 (20) destroying, disposing of, or altering any e-mail,

1 text message, video message, or chat message or other electronic
2 data or electronically stored information relevant to the subject
3 matter of the suit for dissolution of marriage, regardless of
4 whether the information is stored on a hard drive, in a removable
5 storage device, in cloud storage, or in another electronic storage
6 medium;

7 (21) modifying, changing, or altering the native
8 format or metadata of any electronic data or electronically stored
9 information relevant to the subject matter of the suit for
10 dissolution of marriage, regardless of whether the information is
11 stored on a hard drive, in a removable storage device, in cloud
12 storage, or in another electronic storage medium;

13 (22) deleting any data or content from any social
14 network profile used or created by either party or a child of the
15 parties;

16 (23) using any password or personal identification
17 number to gain access to the other party's e-mail account, bank
18 account, social media account, or any other electronic account;

19 (24) terminating or in any manner affecting the
20 service of water, electricity, gas, telephone, cable television, or
21 any other contractual service, including security, pest control,
22 landscaping, or yard maintenance at the residence of either party,
23 or in any manner attempting to withdraw any deposit paid in
24 connection with any of those services;

25 (25) excluding the other party from the use and
26 enjoyment of a specifically identified residence of the other
27 party; or

1 (26) entering, operating, or exercising control over a
2 motor vehicle in the possession of the other party.

3 SECTION 2. The change in law made by this Act applies only
4 to a suit for dissolution of marriage that is filed on or after the
5 effective date of this Act. A suit for dissolution of marriage
6 filed before the effective date of this Act is governed by the law
7 in effect on the date the suit was filed, and the former law is
8 continued in effect for that purpose.

9 SECTION 3. This Act takes effect September 1, 2015.