By: Watson   S.B. No. 1946

A BILL TO BE ENTITLED

1   AN ACT

2 relating to a standardized form and materials necessary for

3 protective orders, magistrate's orders for emergency protection,

4 and temporary ex parte orders.

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

6   SECTION 1. Article 7A.01, Code of Criminal Procedure, is

7 amended by adding Subsection (c) to read as follows:

8   (c) A person filing an application under this article shall

9 use the protective order application form created by the Office of

10 Court Administration of the Texas Judicial System under Section

11 72.033, Government Code, and that is available on the office's

12 Internet website.

13   SECTION 2. Article 7A.02, Code of Criminal Procedure, is

14 amended to read as follows:

15   Art. 7A.02. TEMPORARY EX PARTE ORDER. (a) If the court

16 finds from the information contained in an application for a

17 protective order that there is a clear and present danger of sexual

18 assault or abuse, stalking, trafficking, or other harm to the

19 applicant, the court, without further notice to the alleged

20 offender and without a hearing, may enter a temporary ex parte order

21 for the protection of the applicant or any other member of the

22 applicant's family or household.

23   (b) The court shall use the standardized temporary ex parte

24 order form created by the Office of Court Administration of the

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1 Texas Judicial System under Section 72.033, Government Code, to

2 enter a temporary ex parte order under this article.

3   SECTION 3. Article 7A.03, Code of Criminal Procedure, is

4 amended by adding Subsection (c) to read as follows:

5   (c) The court shall use the standardized protective order

6 form created by the Office of Court Administration of the Texas

7 Judicial System under Section 72.033, Government Code, to enter a

8 protective order under this article.

9   SECTION 4. Article 17.292, Code of Criminal Procedure, is

10 amended by adding Subsection (d-1) to read as follows:

11   (d-1) The magistrate shall use the standardized order for

12 emergency protection form created by the Office of Court

13 Administration of the Texas Judicial System under Section 72.033,

14 Government Code, to enter an order for emergency protection under

15 this article.

16   SECTION 5. Section 82.004, Family Code, is amended to read

17 as follows:

18   Sec. 82.004. CONTENTS OF APPLICATION. A person filing an

19 application under this chapter shall use the protective order

20 application form created by the Office of Court Administration of

21 the Texas Judicial System under Section 72.033, Government Code,

22 and that is available on the office's Internet website, and shall

23 include in the application [An application must state]:

24   (1) the name and county of residence of each

25 applicant;

26   (2) the name and county of residence of each

27 individual alleged to have committed family violence;

1   (3) the relationships between the applicants and the

2 individual alleged to have committed family violence;

3   (4) a request for one or more protective orders; and

4   (5) whether an applicant is receiving services from

5 the Title IV-D agency in connection with a child support case and,

6 if known, the agency case number for each open case.

7   SECTION 6. Chapter 83, Family Code, is amended by adding

8 Section 83.007 to read as follows:

9   Sec. 83.007. STANDARD TEMPORARY EX PARTE ORDER FORM. The

10 court shall use the standardized temporary ex parte order form

11 created by the Office of Court Administration of the Texas Judicial

12 System under Section 72.033, Government Code, to enter a temporary

13 ex parte order under this chapter.

14   SECTION 7. Subchapter B, Chapter 85, Family Code, is

15 amended by adding Section 85.0225 to read as follows:

16   Sec. 85.0225. STANDARD PROTECTIVE ORDER FORM. The court

17 shall use the standardized protective order form created by the

18 Office of Court Administration of the Texas Judicial System under

19 Section 72.033, Government Code, to enter a protective order under

20 this chapter.

21   SECTION 8. Subchapter C, Chapter 72, Government Code, is

22 amended by adding Section 72.033 to read as follows:

23   Sec. 72.033. PROTECTIVE ORDER APPLICATIONS, FORMS, AND

24 MATERIALS. (a) The office shall develop and make available on the

25 office's Internet website standardized forms and other materials

26 necessary to apply for, enter, deny, revise, rescind, serve, and

27 enforce:

1	(1) a protective order under Title 4, Family Code, and

2	Article 7A.01, Code of Criminal Procedure;

3	(2) a magistrate's order for emergency protection

4	under Article 17.292, Code of Criminal Procedure; and

5	(3) a temporary ex parte order under Chapter 83,

6	Family Code, and Article 7A.02, Code of Criminal Procedure.

7	(b) Each standardized form developed under Subsection (a)

8	to be used by a magistrate or court issuing an order must include:

9	(1) the prohibitions and requirements imposed on the

10	respondent;

11	(2) the duration of the order;

12	(3) the potential consequences of violating the order;

13	and

14	(4) any other admonishments or warnings required by

15	law.

16	(c) The materials developed under Subsection (a) must

17	include:

18	(1) a procedure to allow the magistrate or court to

19	discover the respondent's access to a firearm and a plan the

20	respondent is required to follow in relinquishing any licenses or

21	firearms; and

22	(2) a procedure to ensure that a copy of the order is

23	transmitted to all required parties and all relevant information is

24	entered into the statewide law enforcement information system

25	maintained by the Department of Public Safety under Section 411.042

26	and any other applicable databases.

27	(d) In developing the required applications, forms, and

1   materials, the office shall:

2   (1)   consult with individuals and organizations with

3   knowledge and experience in the issues of protective orders,

4   including the Texas Council on Family Violence; and

5   (2)   give consideration to promoting uniformity of law

6   among the states that enact the Uniform Interstate Enforcement of

7   Domestic Violence Protection Orders Act.

8   SECTION 9.   As soon as practicable after the effective date

9   of this Act, but no later than June 1, 2020, the Office of Court

10 Administration of the Texas Judicial System shall create and make

11 available on the office's Internet website all forms and materials

12 required by Section 72.033, Government Code, as added by this Act.

13 If the office completes the forms and materials required by Section

14 72.033, Government Code, as added by this Act, before June 1, 2020,

15 the office shall notify each court clerk, judge, magistrate, and

16 prosecution agency in the state of the availability of the forms and

17 materials.

18   SECTION 10.   Article 7A.01, Code of Criminal Procedure, and

19 Section 82.004, Family Code, as amended by this Act, apply only to

20 an application for a protective order that is filed on or after June

21 1, 2020.   An application for a protective order filed before June 1,

22 2020, is governed by the law in effect on the date the application

23 is filed, and the former law is continued in effect for that

24 purpose.

25   SECTION 11.   Articles 7A.02, 7A.03, and 17.292, Code of

26 Criminal Procedure, as amended by this Act, and Sections 83.007 and

27 85.0225, Family Code, as added by this Act, apply only to a

1 protective order, magistrate's order for emergency protection, or

2 temporary ex parte order that is entered on or after June 1, 2020.

3 An order entered before June 1, 2020, is governed by the law in

4 effect on the date the order is entered, and the former law is

5 continued in effect for that purpose.

6   SECTION 12. This Act takes effect immediately if it

7 receives a vote of two-thirds of all the members elected to each

8 house, as provided by Section 39, Article III, Texas Constitution.

9 If this Act does not receive the vote necessary for immediate

10 effect, this Act takes effect September 1, 2019.