

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION

May 7, 2015

TO: Honorable Harold V. Dutton, Jr., Chair, House Committee on Juvenile Justice & Family Issues

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB3128 by Dale (Relating to service of a temporary ex parte order issued in response to an application for a protective order in circumstances involving family violence.),
Committee Report 1st House, Substituted

<p>No significant fiscal implication to the State is anticipated.</p>
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The bill would amend the Family Code to require a constable's office or law enforcement agency, serving a notice of an application for a protective order and temporary ex parte order to make an initial attempt to serve the individual and up to two additional attempts if necessary in a 48 hour period following the receipt of the notice. Under the provisions of the bill, if an initial attempt is unsuccessful, the agency would be required to make at least one attempt to serve the notice at a different location of the initial attempt and send a notice by first class mail to the last known address of the individual within 24 hours of receiving the notice. The provisions would not apply to circumstances where a different location is unknown and cannot be identified through a background check on the individual. The bill would permit an agency to seek a court order authorizing the officer to affix the notice to the door of the individual's last known address if certain other attempts to serve the individual failed. Under the provisions of the bill, if the court orders an alternative method of service, the method is sufficient to subject the respondent to being taken into custody for a violation of the temporary order that occurs after the service of that order.

The Office of Court Administration reported no significant fiscal impact to the state court system is anticipated.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council

LBB Staff: UP, ESi, SD, EK, GDz