

By: Landgraf

H.B. No. 2315

A BILL TO BE ENTITLED

AN ACT

relating to establishing a protective order registry and the duties of courts in regard to the registry.

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

SECTION 1. Chapter 72, Government Code, is amended by adding Subchapter G to read as follows:

SUBCHAPTER G. PROTECTIVE ORDER REGISTRY

Sec. 72.201. DEFINITIONS. In this subchapter:

(1) "Authorized user" means a person to whom the office has given permission and the means to submit, modify, or remove records in the registry. The term does not include members of the public who may only request and view through the registry's Internet website certain information regarding protective orders entered into the registry.

(2) "Peace officer" has the meaning assigned by Article 2.12, Code of Criminal Procedure.

(3) "Protective order" means an injunction or other order issued by a court in this state to prevent an individual from engaging in violent or threatening acts against, harassing, contacting or communicating with, or being in physical proximity to another individual. The term includes a magistrate's order for emergency protection issued under Article 17.292, Code of Criminal Procedure.

(4) "Protective order registry" or "registry" means

1 the protective order registry established under Section 72.203.

2 (5) "Race or ethnicity" means of a particular descent,
3 including Caucasian, African, Hispanic, Asian, or Native American
4 descent.

5 Sec. 72.202. APPLICABILITY. This subchapter applies only
6 to:

7 (1) an application for a protective order filed under
8 Chapter 82, Family Code, or Article 17.292, Code of Criminal
9 Procedure; and

10 (2) a protective order issued under Chapter 83 or 85,
11 Family Code, or Article 17.292, Code of Criminal Procedure.

12 Sec. 72.203. PROTECTIVE ORDER REGISTRY. (a) In
13 consultation with the Department of Public Safety and the courts of
14 this state, the office shall establish and maintain a central,
15 computerized, and Internet-based registry for applications for
16 protective orders filed in this state and protective orders issued
17 in this state.

18 (b) The office shall establish and maintain the registry in
19 a manner that allows municipal and county case management systems
20 to easily interface with the registry.

21 Sec. 72.204. PUBLIC ACCESS TO PROTECTIVE ORDER REGISTRY.

22 (a) The office shall establish and maintain the registry in a
23 manner that allows any person, free of charge, to electronically
24 search for and receive publicly accessible information contained in
25 the registry regarding each protective order issued in this state
26 that has not yet expired or been vacated. The registry must be
27 searchable by county and name and birth year of the person who is

1 the subject of the protective order.

2 (b) Publicly accessible information must consist of the
3 following:

4 (1) the court that issued the protective order;

5 (2) the case number;

6 (3) the full name, county of residence, birth year,
7 and race or ethnicity of the person who is the subject of the
8 protective order;

9 (4) the dates the protective order was issued and
10 served;

11 (5) the date the protective order was vacated, if
12 applicable; and

13 (6) the date the protective order expires.

14 (c) A member of the public may only access the information
15 in the registry described by Subsection (b).

16 Sec. 72.205. RESTRICTED ACCESS TO PROTECTIVE ORDER
17 REGISTRY. (a) The registry must include a copy of each application
18 for a protective order filed in this state and a copy of each
19 protective order issued in this state, including a vacated or
20 expired order. Only an authorized user, district attorney,
21 criminal district attorney, county attorney, or peace officer may
22 access that information under the registry.

23 (b) The office shall ensure that a district attorney,
24 criminal district attorney, county attorney, city attorney, or
25 peace officer is able to search for and receive a copy of a filed
26 application for a protective order or a copy of an issued protective
27 order through the registry's Internet website.

1 Sec. 72.206. ENTRY OF APPLICATIONS. (a) Except as provided
2 by Subsection (c), as soon as possible but not later than 12 hours
3 after the time an application for a protective order is filed, the
4 court shall enter a copy of the application into the registry.

5 (b) The court shall ensure that a member of the public is not
6 able to view through the registry's Internet website the
7 application or any information related to the application entered
8 into the registry under Subsection (a).

9 (c) A court may delay entering information under Subsection
10 (a) into the registry only to the extent that the court lacks the
11 specific information required to be entered.

12 Sec. 72.207. ENTRY OF ORDERS. (a) Except as provided by
13 Subsection (c) and Section 72.208, as soon as possible but not later
14 than 12 hours after the time a magistrate issues an original or
15 modified protective order or extends the duration of a protective
16 order, the magistrate shall enter into the registry:

17 (1) a copy of the order and, if applicable, a notation
18 regarding any modification or extension of the order; and

19 (2) the information required under Section 72.204(b).

20 (b) For a protective order that is vacated or that has
21 expired, the applicable court shall modify the record of the order
22 in the registry:

23 (1) to reflect the order's status as vacated or
24 expired; and

25 (2) to remove the ability of a member of the public to
26 view through the registry's Internet website information about the
27 record as described by Section 72.204(b).

1 (c) A court may delay entering information under Subsection
2 (a) into the registry only to the extent that the court lacks the
3 specific information required to be entered.

4 Sec. 72.208. REQUEST FOR REMOVAL OF INFORMATION FROM PUBLIC
5 VIEW. On request by a person protected by an order or member of the
6 family or household of a person protected by an order, other than
7 the person who is the subject of the protective order, the
8 magistrate shall remove the ability of a member of the public to
9 view through the registry's Internet website information about the
10 record as described by Section 72.204(b). The magistrate may not
11 restrict access to or remove information from the registry so that
12 an authorized user, district attorney, criminal district attorney,
13 county attorney, or peace officer is unable to search for and
14 receive a copy of the order or information about the order.

15 Sec. 72.209. APPLICABLE ORDERS. An order issued by a
16 magistrate under Article 17.292, Code of Criminal Procedure is
17 subject to this subchapter.

18 Sec. 72.210. USE OF STAFF. A magistrate may use any
19 available staff and resources to carry out the magistrate's duties
20 under this subchapter.

21 SECTION 2. (a) Except as provided by Subsection (b) of this
22 section, not later than January 1, 2018, the Office of Court
23 Administration of the Texas Judicial System shall establish the
24 protective order registry required by Section 72.203, Government
25 Code, as added by this Act.

26 (b) The Office of Court Administration of the Texas Judicial
27 System may delay establishing the protective order registry

1 described by Subsection (a) of this section for a period not to
2 exceed 90 days if the delay is authorized by resolution of the Texas
3 Judicial Council.

4 (c) Not later than January 1, 2018, the Office of Court
5 Administration of the Texas Judicial System shall establish and
6 supervise a training program for magistrates, court staff, and
7 peace officers on use of the protective order registry described by
8 Subsection (a) of this section. The training program must:

9 (1) emphasize the magistrate's duties in regards to
10 the registry; and

11 (2) make all materials for use in the training program
12 available to magistrates, court staff, and peace officers.

13 SECTION 3. Subchapter G, Chapter 72, Government Code, as
14 added by this Act, applies only to an application for a protective
15 order filed or a protective order issued on or after January 1,
16 2018.

17 SECTION 4. This Act takes effect September 1, 2017.