

By: Huffman

S.B. No. 1320

A BILL TO BE ENTITLED

1 AN ACT
2 relating to establishing a protective order registry and the duties
3 of courts in regard to the registry.

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

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

7 SUBCHAPTER G. PROTECTIVE ORDER REGISTRY

8 Sec. 72.201. DEFINITIONS. In this subchapter:

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

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

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

24 (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
18 application for a protective order filed in this state and a copy of
19 each 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, city attorney, or
22 peace officer may 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
2 provided by Subsection (c), as soon as possible but not later than
3 12 hours after the time an application for a protective order is
4 filed, the court shall enter a copy of the application into the
5 registry.

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

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

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

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

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

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

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

26 (2) to remove the ability of a member of the public to
27 view through the registry's Internet website information about the

1 record as described by Section 72.204(b).

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

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

16 Sec. 72.209. USE OF STAFF. A court may use any available
17 staff and resources to carry out the court's duties under this
18 subchapter.

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

24 (b) The Office of Court Administration of the Texas Judicial
25 System may delay establishing the protective order registry
26 described by Subsection (a) of this section for a period not to
27 exceed 90 days if the delay is authorized by resolution of the Texas

1 Judicial Council.

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

9 SECTION 3. Subchapter G, Chapter 72, Government Code, as
10 added by this Act, applies only to an application for a protective
11 order filed or a protective order issued on or after January 1,
12 2018.

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