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S.B. No. 1700

A BILL TO BE ENTITLED

1 AN ACT
2 relating to uniform reporting of information concerning protective
3 orders, concerning magistrate's orders for emergency protection,
4 and concerning conditions of bond imposed on a person awaiting
5 trial in a family violence, sexual assault or abuse, stalking, or
6 trafficking case.

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

8 SECTION 1. Article 5.05, Code of Criminal Procedure, is
9 amended by amending Subsection (c) and adding Subsection (c-1) to
10 read as follows:

11 (c) In order to ensure that officers responding to calls are
12 aware of the existence and terms of protective orders, each
13 municipal police department and sheriff shall establish procedures
14 within the department or office to provide adequate information or
15 access to information for law enforcement officers of the names of
16 persons protected by a protective order and of persons to whom
17 protective orders are directed. The procedures must:

18 (1) require the information described by Section
19 411.042(b)(6), Government Code, to be entered into the statewide
20 law enforcement information system maintained by the Department of
21 Public Safety; and

22 (2) comply with the uniform protocols developed under
23 Section 411.0422, Government Code.

24 (c-1) Each municipal police department and sheriff shall

1 establish procedures within the department or office that require
2 the information described by Section 411.042(b)(7), Government
3 Code, to be entered into the statewide law enforcement information
4 system maintained by the Department of Public Safety. The
5 procedures must comply with the uniform protocols developed under
6 Section 411.0422, Government Code.

7 SECTION 2. Article 17.292, Code of Criminal Procedure, is
8 amended by adding Subsection (g-1) to read as follows:

9 (g-1) After adapting the page for purposes of this article,
10 the magistrate shall use the cover page adopted by the supreme court
11 under Section 85.027, Family Code, for each order for emergency
12 protection issued under this article.

13 SECTION 3. Subchapter B, Chapter 85, Family Code, is
14 amended by adding Section 85.027 to read as follows:

15 Sec. 85.027. PROTECTIVE ORDER COVER PAGE. (a) To
16 facilitate the timely entry of information concerning protective
17 orders into the statewide law enforcement information system
18 maintained by the Department of Public Safety, the supreme court
19 shall adopt a cover page that must be used for each protective order
20 issued under this subtitle.

21 (b) The cover page must be designed to include the
22 information required under Section 411.042(b)(6), Government Code.

23 SECTION 4. Section 86.001(a), Family Code, is amended to
24 read as follows:

25 (a) To ensure that law enforcement officers responding to
26 calls are aware of the existence and terms of protective orders
27 issued under this subtitle, each law enforcement agency shall

1 establish procedures in the agency to provide adequate information
2 or access to information for law enforcement officers of the names
3 of each person protected by an order issued under this subtitle and
4 of each person against whom protective orders are directed. The
5 procedures must comply with the uniform protocols developed under
6 Section 411.0422, Government Code.

7 SECTION 5. Section [86.005](#), Family Code, is amended to read
8 as follows:

9 Sec. 86.005. PROTECTIVE ORDER FROM ANOTHER JURISDICTION.
10 To ensure that law enforcement officers responding to calls are
11 aware of the existence and terms of a protective order from another
12 jurisdiction, each law enforcement agency shall establish
13 procedures in the agency to provide adequate information or access
14 to information for law enforcement officers regarding the name of
15 each person protected by an order rendered in another jurisdiction
16 and of each person against whom the protective order is directed.
17 The procedures must comply with the uniform protocols developed
18 under Section 411.0422, Government Code.

19 SECTION 6. Subchapter C, Chapter [72](#), Government Code, is
20 amended by adding Section 72.035 to read as follows:

21 Sec. 72.035. BOND CONDITIONS REPORTING FORM. (a) The
22 office shall adopt a form for the reporting by law enforcement
23 agencies of information concerning the conditions of bond imposed
24 on a person awaiting trial in any family violence, sexual assault or
25 abuse, stalking, or trafficking case as provided by Section
26 [411.042\(b\)\(7\)](#).

27 (b) The form must be designed to facilitate the timely entry

1 of information concerning bond conditions into the statewide law
2 enforcement information system maintained by the Department of
3 Public Safety.

4 SECTION 7. Section 411.042(b), Government Code, is amended
5 to read as follows:

6 (b) The bureau of identification and records shall:

7 (1) procure and file for record photographs, pictures,
8 descriptions, fingerprints, measurements, and other pertinent
9 information of all persons arrested for or charged with a criminal
10 offense or convicted of a criminal offense, regardless of whether
11 the conviction is probated;

12 (2) collect information concerning the number and
13 nature of offenses reported or known to have been committed in the
14 state and the legal steps taken in connection with the offenses, and
15 other information useful in the study of crime and the
16 administration of justice, including information that enables the
17 bureau to create a statistical breakdown of:

18 (A) offenses in which family violence was
19 involved;

20 (B) offenses under Sections 22.011 and 22.021,
21 Penal Code; and

22 (C) offenses under Sections 20A.02 and 43.05,
23 Penal Code;

24 (3) make ballistic tests of bullets and firearms and
25 chemical analyses of bloodstains, cloth, materials, and other
26 substances for law enforcement officers of the state;

27 (4) cooperate with identification and crime records

1 bureaus in other states and the United States Department of
2 Justice;

3 (5) maintain a list of all previous background checks
4 for applicants for any position regulated under Chapter 1702,
5 Occupations Code, who have undergone a criminal history background
6 check under Section 411.119, if the check indicates a Class B
7 misdemeanor or equivalent offense or a greater offense;

8 (6) collect information concerning the number and
9 nature of protective orders and magistrate's orders of emergency
10 protection and all other pertinent information about all persons
11 subject to active orders[~~, including pertinent information about~~
12 ~~persons subject to conditions of bond imposed for the protection of~~
13 ~~the victim in any family violence, sexual assault or abuse,~~
14 ~~stalking, or trafficking case]. Information in the law enforcement~~

15 information system relating to an active order shall include:

16 (A) the provision of law under which the order is
17 issued;

18 (B) the name, sex, race, date of birth, personal
19 descriptors, address, and county of residence of the person to whom
20 the order is directed;

21 (C) [~~(B)~~] any known identifying number of the
22 person to whom the order is directed, including the person's social
23 security number or driver's license number;

24 (D) [~~(C)~~] the name and county of residence of the
25 person protected by the order;

26 (E) [~~(D)~~] the residence address and place of
27 employment or business of the person protected by the order, unless

1 that information is excluded from the order under Section 85.007,
2 Family Code, or Article 17.292(e), Code of Criminal Procedure;

3 (F) [~~(E)~~] the child-care facility or school
4 where a child protected by the order normally resides or which the
5 child normally attends, unless that information is excluded from
6 the order under Section 85.007, Family Code, or Article 17.292(e),
7 Code of Criminal Procedure;

8 (G) [~~(F)~~] the relationship or former
9 relationship between the person who is protected by the order and
10 the person to whom the order is directed;

11 (H) whether the person to whom the order is
12 directed has a history of:

13 (i) violent behavior involving the use of a
14 weapon; or

15 (ii) diagnosed mental illness [~~(G)~~ ~~the~~
16 ~~conditions of bond imposed on the person to whom the order is~~
17 ~~directed, if any, for the protection of a victim in any family~~
18 ~~violence, sexual assault or abuse, stalking, or trafficking case];~~

19 (I) [~~(H)~~] any minimum distance the person
20 subject to the order is required to maintain from the protected
21 places or persons; and

22 (J) [~~(I)~~] the date the order expires;

23 (7) collect information concerning the conditions of
24 bond imposed on a person awaiting trial in any family violence,
25 sexual assault or abuse, stalking, or trafficking case;

26 (8) grant access to criminal history record
27 information in the manner authorized under Subchapter F;

1 (9) [~~(8)~~] collect and disseminate information
2 regarding offenders with mental impairments in compliance with
3 Chapter 614, Health and Safety Code; and

4 (10) [~~(9)~~] record data and maintain a state database
5 for a computerized criminal history record system and computerized
6 juvenile justice information system that serves:

7 (A) as the record creation point for criminal
8 history record information and juvenile justice information
9 maintained by the state; and

10 (B) as the control terminal for the entry of
11 records, in accordance with federal law and regulations, federal
12 executive orders, and federal policy, into the federal database
13 maintained by the Federal Bureau of Investigation.

14 SECTION 8. Subchapter D, Chapter 411, Government Code, is
15 amended by adding Sections 411.0422 and 411.0423 to read as
16 follows:

17 Sec. 411.0422. UNIFORM REPORTING OF CERTAIN INFORMATION.

18 (a) The department shall adopt a form for the reporting by law
19 enforcement agencies of information concerning protective orders
20 and magistrate's orders for emergency protection. The form must:

21 (1) be designed to facilitate the timely entry of
22 information concerning those orders into the statewide law
23 enforcement information system maintained by the department; and

24 (2) include spaces to report all information required
25 under Section 411.042(b)(6).

26 (b) The department, the Office of Court Administration of
27 the Texas Judicial System, and the State Bar of Texas, with input

1 from relevant advocacy groups, jointly shall develop uniform
2 protocols for the reporting by law enforcement agencies of
3 information required by Sections 411.042(b)(6) and (7).

4 (c) The protocols developed under Subsection (b) must
5 require law enforcement agencies to report information required
6 under Sections 411.042(b)(6) and (7) using the applicable form
7 adopted by the department under Subsection (a) or by the Office of
8 Court Administration of the Texas Judicial System under Section
9 72.035.

10 Sec. 411.0423. REPORT RELATED TO PROTECTIVE ORDERS. (a)
11 The department shall annually post on the department's Internet
12 website a report on the number of protective orders or magistrate's
13 orders for emergency protection reported to the department during
14 the preceding year. The report must:

15 (1) be disaggregated by the provision of law under
16 which the order is issued and the county in which the issuing court
17 is located; and

18 (2) compare the number of protective orders or
19 magistrate's orders for emergency protection reported to the
20 department with the number of those orders reported to the Office of
21 Court Administration of the Texas Judicial System during that year.

22 (b) The department may coordinate with the Office of Court
23 Administration of the Texas Judicial System as necessary to prepare
24 the report required under Subsection (a).

25 SECTION 9. Section 411.0845(i), Government Code, is amended
26 to read as follows:

27 (i) The release under this section of any criminal history

1 record information maintained by the Federal Bureau of
2 Investigation, including the computerized information submitted to
3 the federal database maintained by the Federal Bureau of
4 Investigation as described by Section 411.042(b)(10)(B)
5 [~~411.042(b)(9)(B)~~], is subject to federal law and regulations,
6 federal executive orders, and federal policy.

7 SECTION 10. (a) Not later than September 1, 2017:

8 (1) the Supreme Court of Texas shall adopt the cover
9 page required under Section 85.027, Family Code, as added by this
10 Act;

11 (2) the Office of Court Administration of the Texas
12 Judicial System shall adopt the form required under Section 72.035,
13 Government Code, as added by this Act; and

14 (3) the Department of Public Safety of the State of
15 Texas shall adopt the form required under Section 411.0422(a),
16 Government Code, as added by this Act.

17 (b) Not later than October 1, 2017, the Department of Public
18 Safety of the State of Texas, the Office of Court Administration of
19 the Texas Judicial System, and the State Bar of Texas shall develop
20 the uniform protocols required under Section 411.0422, Government
21 Code, as added by this Act.

22 (c) Not later than November 1, 2017, each law enforcement
23 agency shall comply with the uniform protocols required under
24 Section 411.0422, Government Code, as added by this Act.

25 (d) Not later than November 1, 2018, the Department of
26 Public Safety of the State of Texas shall post on the department's
27 Internet website the initial report required under Section

1 411.0423, Government Code, as added by this Act.

2 SECTION 11. (a) Except as provided by Subsection (b) of
3 this section, this Act takes effect September 1, 2017.

4 (b) Section [411.042\(b\)](#), Government Code, as amended by this
5 Act, takes effect November 1, 2017.