86R19696 JCG-D

By:  Landgraf H.B. No. 629

Substitute the following for H.B. No. 629:

By:  Burns C.S.H.B. No. 629

A BILL TO BE ENTITLED

AN ACT

relating to establishing a protective order registry and the duties of court personnel and other persons and entities 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 F to read as follows:

SUBCHAPTER F. PROTECTIVE ORDER REGISTRY

Sec. 72.151.  DEFINITIONS. In this subchapter:

(1)  "Authorized user" means a person to whom the office has given permission and the means to submit records to or modify or remove records in the registry. The term does not include members of the public who may only access 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 order issued by a court in this state to prevent family violence, as defined by Section 71.004, Family Code. The term includes a magistrate's order for emergency protection issued under Article 17.292, Code of Criminal Procedure, with respect to a person who is arrested for an offense involving family violence.

(4)  "Protective order registry" or "registry" means the protective order registry established under Section 72.153.

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

Sec. 72.152.  APPLICABILITY. This subchapter applies only to:

(1)  an application for a protective order filed under:

(A)  Chapter 82, Family Code; or

(B)  Article 17.292, Code of Criminal Procedure, with respect to a person who is arrested for an offense involving family violence; and

(2)  a protective order issued under:

(A)  Chapter 83 or 85, Family Code; or

(B)  Article 17.292, Code of Criminal Procedure, with respect to a person who is arrested for an offense involving family violence.

Sec. 72.153.  PROTECTIVE ORDER REGISTRY. (a) In consultation with the Department of Public Safety and the courts of this state, the office shall establish and maintain a centralized Internet-based registry for applications for protective orders filed in this state and protective orders issued in this state.

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

Sec. 72.154.  PUBLIC ACCESS TO PROTECTIVE ORDER REGISTRY. (a) Subject to Subsections (c) and (d) and Section 72.158, the office shall establish and maintain the registry in a manner that allows a member of the public, free of charge, to electronically search for and receive publicly accessible information contained in the registry regarding each protective order issued in this state. The registry must be searchable by:

(1)  the county of issuance;

(2)  the name of a person who is the subject of the protective order; and

(3)  the birth year of a person who is the subject of the protective order.

(b)  Publicly accessible information regarding each protective order must consist of the following:

(1)  the court that issued the protective order;

(2)  the case number;

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

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

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

(6)  the date the protective order expired or will expire, as applicable.

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

(d)  The office may not allow a member of the public to access through the registry any information related to a protective order issued under Article 17.292, Code of Criminal Procedure, or Chapter 83, Family Code.

Sec. 72.155.  RESTRICTED ACCESS TO PROTECTIVE ORDER REGISTRY. (a) The registry must include a copy of each application for a protective order filed in this state and a copy of each protective order issued in this state, including a vacated or expired order. Only an authorized user, the attorney general, a district attorney, a criminal district attorney, a county attorney, a municipal attorney, or a peace officer may access that information under the registry.

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

Sec. 72.156.  ENTRY OF APPLICATIONS. (a) Except as provided by Subsection (b), as soon as possible but not later than 24 hours after the time an application for a protective order is filed, the clerk of the court shall enter a copy of the application into the registry.

(b)  A clerk may delay entering information under Subsection (a) into the registry only to the extent that the clerk lacks the specific information required to be entered.

(c)  The office shall ensure that a member of the public is not able to access through the registry's Internet website the application or any information related to the application entered into the registry under Subsection (a).

Sec. 72.157.  ENTRY OF ORDERS. (a) Except as provided by Subsection (c), as soon as possible but not later than 24 hours after the time a court issues an original or modified protective order or extends the duration of a protective order, the clerk of the court shall enter into the registry:

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

(2)  the information required under Section 72.154(b).

(b)  For a protective order that is vacated or that has expired, the clerk of the applicable court shall modify the record of the order in the registry to reflect the order's status as vacated or expired.

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

Sec. 72.158.  REQUEST FOR GRANT OR REMOVAL OF PUBLIC ACCESS. (a) The office shall ensure that the public may access information about protective orders, other than information about orders under Article 17.292, Code of Criminal Procedure, or Chapter 83, Family Code, through the registry, only if:

(1)  a protected person requests that the office grant the public the ability to access the information described by Section 72.154(b) for the order protecting the person; and

(2)  the office approves the request.

(b)  A person whose request under Subsection (a) was approved by the office may request that the office remove the ability of the public to access the information that was the subject of the person's earlier approved request. Not later than the third business day after the office receives a request under this subsection, the office shall remove the ability of the public to access the information.

(c)  The Supreme Court of Texas:

(1)  shall prescribe a form for use by a person requesting a grant or removal of public access as described by Subsections (a) and (b); and

(2)  by rule may prescribe procedures for requesting a grant or removal of public access as described by Subsections (a) and (b).

SECTION 2.  (a) Except as provided by Subsection (b) of this section, not later than June 1, 2020, the Office of Court Administration of the Texas Judicial System shall establish the protective order registry required by Section 72.153, Government Code, as added by this Act.

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

(c)  Not later than June 1, 2020, the Office of Court Administration of the Texas Judicial System shall establish and supervise a training program for magistrates, court personnel, and peace officers on the use of the protective order registry described by Subsection (a) of this section. The training program must make all materials for use in the training program available to magistrates, court personnel, and peace officers.

SECTION 3.  Notwithstanding Section 2 of this Act, the Office of Court Administration of the Texas Judicial System may not allow a member of the public to view before September 1, 2020, publicly accessible information described by Section 72.154(b), Government Code, as added by this Act, through the Internet website of the protective order registry established under Subchapter F, Chapter 72, Government Code, as added by this Act.

SECTION 4.  Subchapter F, Chapter 72, Government Code, as added by this Act, applies only to an application for a protective order filed or a protective order issued on or after September 1, 2020.

SECTION 5.  The Office of Court Administration of the Texas Judicial System is required to implement a provision of this Act only if the legislature appropriates money specifically for that purpose. If the legislature does not appropriate money specifically for that purpose, the Office of Court Administration of the Texas Judicial System may, but is not required to, implement a provision of this Act using other appropriations available for that purpose.

SECTION 6.  This Act takes effect September 1, 2019.