

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

1 the protective order registry established under Section 72.153.

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

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

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

8 (A) Chapter 82, Family Code; or

9 (B) Article 17.292, Code of Criminal Procedure,

10 with respect to a person who is arrested for an offense involving  
11 family violence; and

12 (2) a protective order issued under:

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

14 (B) Article 17.292, Code of Criminal Procedure,

15 with respect to a person who is arrested for an offense involving  
16 family violence.

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

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

25 Sec. 72.154. PUBLIC ACCESS TO PROTECTIVE ORDER REGISTRY.

26 (a) Subject to Subsections (c) and (d) and Section 72.158, the  
27 office shall establish and maintain the registry in a manner that

1 allows a member of the public, free of charge, to electronically  
2 search for and receive publicly accessible information contained in  
3 the registry regarding each protective order issued in this state.

4 The registry must be searchable by:

5 (1) the county of issuance;

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

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

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

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

13 (2) the case number;

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

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

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

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

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

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

1 83, Family Code.

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

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

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

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

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

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

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

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

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

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

16       Sec. 72.158. REQUEST FOR GRANT OR REMOVAL OF PUBLIC ACCESS.

17 (a) The office shall ensure that the public may access information  
18 about protective orders, other than information about orders under  
19 Article 17.292, Code of Criminal Procedure, or Chapter 83, Family  
20 Code, through the registry, only if:

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

24           (2) the office approves the request.

25       (b) A person whose request under Subsection (a) was approved  
26 by the office may request that the office remove the ability of the  
27 public to access the information that was the subject of the

1 person's earlier approved request. Not later than the third  
2 business day after the office receives a request under this  
3 subsection, the office shall remove the ability of the public to  
4 access the information.

5 (c) The Supreme Court of Texas:

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

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

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

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

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

1 magistrates, court personnel, and peace officers.

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

9           SECTION 4. Subchapter F, 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 September 1,  
12 2020.

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

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