

By: Landgraf

H.B. No. 629

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 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, 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 72.153.

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 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. 72.153. 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. 72.154. 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 The registry must be searchable by:

27 (1) the county of issuance;

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

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

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

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

8 (2) the case number;

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

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

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

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

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

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

27 (b) The office shall ensure that a district attorney,

1 criminal district attorney, county attorney, municipal attorney,
2 or peace officer is able to search for and receive a copy of a filed
3 application for a protective order or a copy of an issued protective
4 order through the registry's Internet website.

5 Sec. 72.156. ENTRY OF APPLICATIONS. (a) Except as provided
6 by Subsection (b), as soon as possible but not later than 12 hours
7 after the time an application for a protective order is filed, the
8 court shall enter a copy of the application into the registry.

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

16 Sec. 72.157. ENTRY OF ORDERS. (a) Except as provided by
17 Subsection (c) and Section 72.158, as soon as possible but not later
18 than 12 hours after the time a court issues an original or modified
19 protective order or extends the duration of a protective order, the
20 court shall enter into the registry:

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

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

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

27 (c) A court may delay entering information under Subsection

1 (a) into the registry only to the extent that the court lacks the
2 specific information required to be entered.

3 Sec. 72.158. REQUEST FOR REMOVAL OF PUBLIC ACCESS. (a) A
4 person protected by an order or member of the family or household of
5 a person protected by an order, other than the person who is the
6 subject of the order, may request the office to remove the ability
7 of a member of the public to view through the registry's Internet
8 website information about the record as described by Section
9 72.154(b).

10 (b) The office shall ensure that:

11 (1) the public access to the information is removed as
12 soon as practicable after a request is made; and

13 (2) after public access is removed, an authorized
14 user, district attorney, criminal district attorney, county
15 attorney, municipal attorney, or peace officer remains able to
16 search for and receive a copy of the order or information about the
17 order.

18 (c) The office may prescribe a form for use by a person
19 requesting the removal of public access to information under
20 Subsection (a).

21 Sec. 72.159. USE OF STAFF. A court may use any available
22 staff and resources to carry out the court's duties under this
23 subchapter.

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

1 Code, as added by this Act.

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

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

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

21 SECTION 4. Subchapter F, Chapter 72, Government Code, as
22 added by this Act, applies only to an application for a protective
23 order filed or a protective order issued on or after September 1,
24 2020.

25 SECTION 5. This Act takes effect September 1, 2019.