

By: Huffman

S.B. No. 325

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

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 Chapter 82, Family Code, or Article 17.292, Code of Criminal Procedure; and

(2) a protective order issued under Chapter 83 or 85, Family Code, or Article 17.292, Code of Criminal Procedure.

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 central, computerized, and 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) The office shall establish and maintain the registry in a manner that allows any person, 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;

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

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 staff, 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 staff, 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. This Act takes effect September 1, 2019.