

BILL ANALYSIS

C.S.H.B. 2702
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Judiciary & Civil Jurisprudence
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Recent legislation enacted by the 86th Legislature established the protective order registry, which is administered by the Office of Court Administration of the Texas Judicial System (OCA). It has been suggested that, while the registry has been extremely successful in helping victims, additional statutory revisions and clarifications are needed with regard to the administration of the registry. There have been calls from OCA to implement these revisions in hopes of making the protective order registry more effective. C.S.H.B. 2702 seeks to address this issue by including in the registry protective orders for victims of sexual assault or abuse, stalking, or trafficking and by removing certain vacated protective orders from the registry.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 2702 amends the Government Code to expand the applicability of statutory provisions relating to the protective order registry maintained by the Office of Court Administration of the Texas Judicial System (OCA) to include a protective order for victims of sexual assault or abuse, stalking, or trafficking and to an application for such a protective order. The bill prohibits OCA from allowing a member of the public to access through the registry any information related to a temporary ex parte order for such a protective order or a protective order that was vacated.

C.S.H.B. 2702 requires the clerk of the applicable court to ensure that a record of a vacated order is not accessible by the public. The bill requires the clerk to notify OCA of any protective order that is vacated as the result of an appeal or bill of review from a district or county court not later than the end of the next business day after the date the protective order was vacated. The bill requires OCA, starting as soon as practicable after the bill's effective date, to remove those records from the registry not later than the third business day after the date the notice from the clerk is received and to ensure that the records of vacated orders, other than orders vacated as the result of an appeal or bill or review, are not accessible by the public.

EFFECTIVE DATE

September 1, 2021.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 2702 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute includes the following provisions not in the original:

- a requirement for the clerk to ensure that a record of a vacated order is not accessible by the public;
- a specification that the orders required to be excluded from the protective order registry are orders that are vacated as the result of an appeal or bill of review from a district or county court; and
- a requirement for the clerk to notify OCA of any protective order that is vacated as the result of an appeal or bill of review not later than the end of the next business day after the date the protective order was vacated.