87R17561 MEW-D

By:  Landgraf H.B. No. 2702

Substitute the following for H.B. No. 2702:

By:  Krause C.S.H.B. No. 2702

A BILL TO BE ENTITLED

AN ACT

relating to the protective order registry maintained by the Office of Court Administration of the Texas Judicial System and the removal of certain vacated protective orders from the registry.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1.  Section 72.151(3), Government Code, is amended to read as follows:

(3)  "Protective order" means:

(A)  an order issued by a court in this state under Chapter 83 or 85, Family Code, to prevent family violence, as defined by Section 71.004, Family Code;

(B)  an order issued by a court in this state under Subchapter A, Chapter 7B, Code of Criminal Procedure, to prevent sexual assault or abuse, stalking, trafficking, or other harm to the applicant; or

(C)  [~~. 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.

SECTION 2.  Section 72.152, Government Code, is amended to read as follows:

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

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

(A)  Chapter 82, Family Code;

(B)  Subchapter A, Chapter 7B, Code of Criminal Procedure; or

(C) [~~(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;

(B)  Subchapter A, Chapter 7B, Code of Criminal Procedure; or

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

SECTION 3.  Sections 72.154(b) and (d), Government Code, are amended to read as follows:

(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; and

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

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

(d)  The office may not allow a member of the public to access through the registry any information related to:

(1)  a protective order issued under Article 7B.002 or 17.292, Code of Criminal Procedure, or Chapter 83, Family Code; or

(2)  a protective order that was vacated.

SECTION 4.  Section 72.155(a), Government Code, is amended to read as follows:

(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 an [~~a vacated or~~] expired order, or a vacated order other than an order that was vacated as the result of an appeal or bill of review from a district or county court. 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.

SECTION 5.  Section 72.157, Government Code, is amended by amending Subsection (b) and adding Subsection (b-1) to read as follows:

(b)  Except as provided by Subsection (b-1), for [~~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. The clerk shall ensure that a record of a vacated order is not accessible by the public.

(b-1)  For a protective order that is vacated as the result of an appeal or bill of review from a district or county court, the clerk of the applicable court shall notify the office not later than the end of the next business day after the date the protective order was vacated. The office shall remove the record of the order from the registry not later than the third business day after the date the notice from the clerk was received.

SECTION 6.  Section 72.158(a), Government Code, is amended to read as follows:

(a)  The office shall ensure that the public may access information about protective orders, other than information about vacated orders or orders under Article 7B.002 or 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.

SECTION 7.  Section 72.152, Government Code, as amended by this Act, applies only to an application for a protective order filed or a protective order issued on or after the effective date of this Act.

SECTION 8.  As soon as practicable after the effective date of this Act, the Office of Court Administration of the Texas Judicial System shall:

(1)  remove the record of any protective orders that have been vacated as the result of an appeal or bill of review from a district or county court from the protective order registry established under Subchapter F, Chapter 72, Government Code, as amended by this Act; and

(2)  ensure that the records of vacated orders, other than orders described by Subdivision (1) of this section that are removed from the registry, are not accessible by the public.

SECTION 9.  This Act takes effect September 1, 2021.