

By: Landgraf

H.B. No. 2702

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the protective order registry maintained by the Office
3 of Court Administration of the Texas Judicial System and the
4 removal of certain vacated protective orders from the registry.

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

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

8 (3) "Protective order" means:

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

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

16 (C) [~~The term includes~~] a magistrate's order
17 for emergency protection issued under Article 17.292, Code of
18 Criminal Procedure, with respect to a person who is arrested for an
19 offense involving family violence.

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

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

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

1 (A) Chapter 82, Family Code;
2 (B) Subchapter A, Chapter 7B, Code of Criminal
3 Procedure; or

4 (C) [(B)] Article 17.292, Code of Criminal
5 Procedure, with respect to a person who is arrested for an offense
6 involving family violence; and

7 (2) a protective order issued under:

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

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

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

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

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

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

19 (2) the case number;

20 (3) the full name, county of residence, birth year,
21 and race or ethnicity of the person who is the subject of the
22 protective order;

23 (4) the dates the protective order was issued and
24 served; and

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

27 ~~[(6)]~~ the date the protective order expired or will

1 expire, as applicable.

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

4 (1) a protective order issued under Article 7B.002 or
5 17.292, Code of Criminal Procedure, or Chapter 83, Family Code; or

6 (2) a protective order that was vacated.

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

9 (a) The registry must include a copy of each application for
10 a protective order filed in this state and a copy of each protective
11 order issued in this state, including an [a vacated or] expired
12 order, or a vacated order other than an order that was vacated as
13 the result of an appeal or bill of review from a district or county
14 court. Only an authorized user, the attorney general, a district
15 attorney, a criminal district attorney, a county attorney, a
16 municipal attorney, or a peace officer may access that information
17 under the registry.

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

21 (b) Except as provided by Subsection (b-1), for [For] a
22 protective order that is vacated or that has expired, the clerk of
23 the applicable court shall modify the record of the order in the
24 registry to reflect the order's status as vacated or expired. The
25 clerk shall ensure that a record of a vacated order is not
26 accessible by the public.

27 (b-1) For a protective order that is vacated as the result

1 of an appeal or bill of review from a district or county court, the
2 clerk of the applicable court shall notify the office not later than
3 the end of the next business day after the date the protective order
4 was vacated. The office shall remove the record of the order from
5 the registry not later than the third business day after the date
6 the notice from the clerk was received.

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

9 (a) The office shall ensure that the public may access
10 information about protective orders, other than information about
11 vacated orders or orders under Article 7B.002 or 17.292, Code of
12 Criminal Procedure, or Chapter 83, Family Code, through the
13 registry, only if:

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

17 (2) the office approves the request.

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

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

25 (1) remove the record of any protective orders that
26 have been vacated as the result of an appeal or bill of review from a
27 district or county court from the protective order registry

1 established under Subchapter F, Chapter 72, Government Code, as
2 amended by this Act; and

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

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