

By: Huffman

S.B. No. 1016

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 a vacated protective order 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:

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

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

8 (a) The registry must include a copy of each application for  
9 a protective order filed in this state and a copy of each protective  
10 order issued in this state, including an [~~a vacated or~~] expired  
11 order. Only an authorized user, the attorney general, a district  
12 attorney, a criminal district attorney, a county attorney, a  
13 municipal attorney, or a peace officer may access that information  
14 under the registry.

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

18 (b) For a protective order [~~that is vacated or~~] that has  
19 expired, the clerk of the applicable court shall modify the record  
20 of the order in the registry to reflect the order's status as  
21 [~~vacated or~~] expired.

22 (b-1) For a protective order that is vacated, the clerk of  
23 the applicable court shall remove the record of the order from the  
24 registry.

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

27 (a) The office shall ensure that the public may access

1 information about protective orders, other than information about  
2 orders under Article 7B.002 or 17.292, Code of Criminal Procedure,  
3 or Chapter 83, Family Code, through the registry, only if:

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

7 (2) the office approves the request.

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

12 SECTION 8. As soon as practicable after the effective date  
13 of this Act, the Office of Court Administration of the Texas  
14 Judicial System shall remove the record of any protective orders  
15 that have been vacated from the protective order registry  
16 established under Subchapter F, Chapter 72, Government Code, as  
17 amended by this Act.

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