By:  Zaffirini                                    S.B. No. 1458

A BILL TO BE ENTITLED

1      AN ACT

2 relating to standardized forms and materials for the issuance of

3 protective orders, magistrate's orders for emergency protection,

4 and temporary ex parte orders.

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

6      SECTION 1.  Article 7B.001, Code of Criminal Procedure, is

7 amended by adding Subsection (c) to read as follows:

8      (c)  A person filing an application under this article shall

9 use the protective order application form created by the Office of

10 Court Administration of the Texas Judicial System under Section

11 72.036, Government Code, that is available on the office's Internet

12 website.

13      SECTION 2.  Subchapter A, Chapter 7B, Code of Criminal

14 Procedure, is amended by adding Article 7B.0021 to read as follows:

15      Art. 7B.0021.  STANDARD TEMPORARY EX PARTE ORDER FORM.  The

16 court shall use the standardized temporary ex parte order form

17 created by the Office of Court Administration of the Texas Judicial

18 System under Section 72.036, Government Code, to issue a temporary

19 ex parte order under Article 7B.002.

20      SECTION 3.  Article 7B.003, Code of Criminal Procedure, is

21 amended by adding Subsection (d) to read as follows:

22      (d)  The court shall use the standardized protective order

23 form created by the Office of Court Administration of the Texas

24 Judicial System under Section 72.036, Government Code, to issue a

1

1 protective order under this article.

2 SECTION 4. Article 17.292, Code of Criminal Procedure, is

3 amended by adding Subsection (d-1) to read as follows:

4 (d-1) The magistrate shall use the standardized order for

5 emergency protection form created by the Office of Court

6 Administration of the Texas Judicial System under Section 72.036,

7 Government Code, to issue an order for emergency protection under

8 this article.

9 SECTION 5. Section 82.004, Family Code, is amended to read

10 as follows:

11 Sec. 82.004. FORM AND CONTENT [CONTENTS] OF APPLICATION. A

12 person filing an application under this chapter shall use the

13 protective order application form created by the Office of Court

14 Administration of the Texas Judicial System under Section 72.036,

15 Government Code, that is available on the office's Internet

16 website, and shall include in the application [An application must

17 state]:

18 (1) the name and county of residence of each

19 applicant;

20 (2) the name and county of residence of each

21 individual alleged to have committed family violence;

22 (3) the relationships between the applicants and the

23 individual alleged to have committed family violence;

24 (4) a request for one or more protective orders; and

25 (5) whether an applicant is receiving services from

26 the Title IV-D agency in connection with a child support case and,

27 if known, the agency case number for each open case.

1 SECTION 6. Chapter 83, Family Code, is amended by adding

2 Section 83.007 to read as follows:

3 Sec. 83.007. STANDARD TEMPORARY EX PARTE ORDER FORM. The

4 court shall use the standardized temporary ex parte order form

5 created by the Office of Court Administration of the Texas Judicial

6 System under Section 72.036, Government Code, to issue a temporary

7 ex parte order under this chapter.

8 SECTION 7. Subchapter B, Chapter 85, Family Code, is

9 amended by adding Section 85.0225 to read as follows:

10 Sec. 85.0225. STANDARD PROTECTIVE ORDER FORM. The court

11 shall use the standardized protective order form created by the

12 Office of Court Administration of the Texas Judicial System under

13 Section 72.036, Government Code, to issue a protective order under

14 this chapter.

15 SECTION 8. Subchapter C, Chapter 72, Government Code, is

16 amended by adding Section 72.036 to read as follows:

17 Sec. 72.036. PROTECTIVE ORDER APPLICATIONS, FORMS, AND

18 MATERIALS. (a) The office shall develop and make available on the

19 office's Internet website standardized forms and other materials

20 necessary to apply for, issue, deny, revise, rescind, serve, and

21 enforce any of the following:

22 (1) a protective order under Title 4, Family Code, or

23 Subchapter A, Chapter 7B, Code of Criminal Procedure;

24 (2) a magistrate's order for emergency protection

25 under Article 17.292, Code of Criminal Procedure; or

26 (3) a temporary ex parte order under Chapter 83,

27 Family Code, or Article 7B.002, Code of Criminal Procedure.

1    (b)  Each standardized form developed under Subsection (a)

2    to be used by a magistrate or court issuing an order must include:

3         (1)  the prohibitions and requirements imposed on the

4    respondent;

5         (2)  the duration of the order;

6         (3)  the potential consequences of violating the order;

7    and

8         (4)  any other admonishments or warnings required by

9    law.

10   (c)  The materials developed under Subsection (a) must

11   include a procedure to ensure that a copy of the order is

12   transmitted to all required parties and all relevant information

13   required by Section 411.042(b)(6) is entered into the statewide law

14   enforcement information system maintained by the Department of

15   Public Safety under Section 411.042 and any other applicable

16   databases.

17   (d)  In developing the required applications, forms, and

18   materials, the office shall:

19        (1)  consult with individuals, organizations, and

20   state agencies that have knowledge and experience in the issues of

21   protective orders, including the Texas Council on Family Violence

22   and the Department of Public Safety; and

23        (2)  give consideration to promoting uniformity of law

24   among the states that enact the Uniform Interstate Enforcement of

25   Domestic Violence Protection Orders Act.

26   SECTION 9.  As soon as practicable after the effective date

27   of this Act, but not later than June 1, 2022, the Office of Court

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1 Administration of the Texas Judicial System shall create and make
2 available on the office's Internet website all forms and materials
3 required by Section 72.036, Government Code, as added by this Act.
4 If the office completes the forms and materials required by Section
5 72.036, Government Code, as added by this Act, before June 1, 2022,
6 the office shall notify each court clerk, judge, magistrate, and
7 prosecution agency in the state of the availability of the forms and
8 materials.

9 SECTION 10. Article 7B.001, Code of Criminal Procedure, as
10 amended by this Act, and Section 82.004, Family Code, as amended by
11 this Act, apply only to an application for a protective order that
12 is filed on or after June 1, 2022. An application for a protective
13 order filed before June 1, 2022, is governed by the law in effect on
14 the date the application is filed, and the former law is continued
15 in effect for that purpose.

16 SECTION 11. Articles 7B.003 and 17.292, Code of Criminal
17 Procedure, as amended by this Act, Article 7B.0021, Code of
18 Criminal Procedure, as added by this Act, and Sections 83.007 and
19 85.0225, Family Code, as added by this Act, apply only to a
20 protective order, magistrate's order for emergency protection, or
21 temporary ex parte order that is issued on or after June 1, 2022. An
22 order issued before June 1, 2022, is governed by the law in effect
23 on the date the order is issued, and the former law is continued in
24 effect for that purpose.

25 SECTION 12. This Act takes effect immediately if it
26 receives a vote of two-thirds of all the members elected to each
27 house, as provided by Section 39, Article III, Texas Constitution.

1  If this Act does not receive the vote necessary for immediate

2  effect, this Act takes effect September 1, 2021.