

By: Zaffirini
(Neave)

S.B. No. 1458

Substitute the following for S.B. No. 1458:

By: Krause

C.S.S.B. No. 1458

A BILL TO BE ENTITLED

AN ACT

1
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 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:

22 (A) the Texas Council on Family Violence;

23 (B) the Department of Public Safety;

24 (C) nonprofit organizations that advocate for
25 the survivors of sexual assault or family violence;

26 (D) individuals, organizations, and state
27 agencies that provide training to judges, prosecutors, and law

1 enforcement officers;

2 (E) the judges or justices of courts of varying
3 jurisdictions;

4 (F) law enforcement agencies;

5 (G) prosecutors; and

6 (H) an organization that receives federal
7 funding under the legal assistance for victims grant program and
8 that has expertise in issues related to family violence, sexual
9 assault, or stalking; and

10 (2) give consideration to promoting uniformity of law
11 among the states that enact the Uniform Interstate Enforcement of
12 Domestic Violence Protection Orders Act.

13 SECTION 9. As soon as practicable after the effective date
14 of this Act, but not later than June 1, 2022, the Office of Court
15 Administration of the Texas Judicial System shall create and make
16 available on the office's Internet website all forms and materials
17 required by Section 72.036, Government Code, as added by this Act.
18 If the office completes the forms and materials required by Section
19 72.036, Government Code, as added by this Act, before June 1, 2022,
20 the office shall notify each court clerk, judge, magistrate, and
21 prosecution agency in the state of the availability of the forms and
22 materials.

23 SECTION 10. Article 7B.001, Code of Criminal Procedure, as
24 amended by this Act, and Section 82.004, Family Code, as amended by
25 this Act, apply only to an application for a protective order that
26 is filed on or after June 1, 2022. An application for a protective
27 order filed before June 1, 2022, is governed by the law in effect on

1 the date the application is filed, and the former law is continued
2 in effect for that purpose.

3 SECTION 11. Articles 7B.003 and 17.292, Code of Criminal
4 Procedure, as amended by this Act, Article 7B.0021, Code of
5 Criminal Procedure, as added by this Act, and Sections 83.007 and
6 85.0225, Family Code, as added by this Act, apply only to a
7 protective order, magistrate's order for emergency protection, or
8 temporary ex parte order that is issued on or after June 1, 2022. An
9 order issued before June 1, 2022, is governed by the law in effect
10 on the date the order is issued, and the former law is continued in
11 effect for that purpose.

12 SECTION 12. This Act takes effect immediately if it
13 receives a vote of two-thirds of all the members elected to each
14 house, as provided by Section 39, Article III, Texas Constitution.
15 If this Act does not receive the vote necessary for immediate
16 effect, this Act takes effect September 1, 2021.