

1-1 By: Zaffirini S.B. No. 1458
1-2 (In the Senate - Filed March 10, 2021; March 24, 2021, read
1-3 first time and referred to Committee on Jurisprudence;
1-4 April 20, 2021, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 5, Nays 0; April 20, 2021,
1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			

1-14 COMMITTEE SUBSTITUTE FOR S.B. No. 1458 By: Johnson

1-15 A BILL TO BE ENTITLED
1-16 AN ACT

1-17 relating to standardized forms and materials for the issuance of
1-18 protective orders, magistrate's orders for emergency protection,
1-19 and temporary ex parte orders.

1-20 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-21 SECTION 1. Article 7B.001, Code of Criminal Procedure, is
1-22 amended by adding Subsection (c) to read as follows:

1-23 (c) A person filing an application under this article shall
1-24 use the protective order application form created by the Office of
1-25 Court Administration of the Texas Judicial System under Section
1-26 72.036, Government Code, that is available on the office's Internet
1-27 website.

1-28 SECTION 2. Subchapter A, Chapter 7B, Code of Criminal
1-29 Procedure, is amended by adding Article 7B.0021 to read as follows:

1-30 Art. 7B.0021. STANDARD TEMPORARY EX PARTE ORDER FORM. The
1-31 court shall use the standardized temporary ex parte order form
1-32 created by the Office of Court Administration of the Texas Judicial
1-33 System under Section 72.036, Government Code, to issue a temporary
1-34 ex parte order under Article 7B.002.

1-35 SECTION 3. Article 7B.003, Code of Criminal Procedure, is
1-36 amended by adding Subsection (d) to read as follows:

1-37 (d) The court shall use the standardized protective order
1-38 form created by the Office of Court Administration of the Texas
1-39 Judicial System under Section 72.036, Government Code, to issue a
1-40 protective order under this article.

1-41 SECTION 4. Article 17.292, Code of Criminal Procedure, is
1-42 amended by adding Subsection (d-1) to read as follows:

1-43 (d-1) The magistrate shall use the standardized order for
1-44 emergency protection form created by the Office of Court
1-45 Administration of the Texas Judicial System under Section 72.036,
1-46 Government Code, to issue an order for emergency protection under
1-47 this article.

1-48 SECTION 5. Section 82.004, Family Code, is amended to read
1-49 as follows:

1-50 Sec. 82.004. FORM AND CONTENT [CONTENTS] OF APPLICATION. A
1-51 person filing an application under this chapter shall use the
1-52 protective order application form created by the Office of Court
1-53 Administration of the Texas Judicial System under Section 72.036,
1-54 Government Code, that is available on the office's Internet
1-55 website, and shall include in the application [An application must
1-56 state]:

1-57 (1) the name and county of residence of each
1-58 applicant;

1-59 (2) the name and county of residence of each
1-60 individual alleged to have committed family violence;

2-1 (3) the relationships between the applicants and the
2-2 individual alleged to have committed family violence;

2-3 (4) a request for one or more protective orders; and

2-4 (5) whether an applicant is receiving services from
2-5 the Title IV-D agency in connection with a child support case and,
2-6 if known, the agency case number for each open case.

2-7 SECTION 6. Chapter 83, Family Code, is amended by adding
2-8 Section 83.007 to read as follows:

2-9 Sec. 83.007. STANDARD TEMPORARY EX PARTE ORDER FORM. The
2-10 court shall use the standardized temporary ex parte order form
2-11 created by the Office of Court Administration of the Texas Judicial
2-12 System under Section 72.036, Government Code, to issue a temporary
2-13 ex parte order under this chapter.

2-14 SECTION 7. Subchapter B, Chapter 85, Family Code, is
2-15 amended by adding Section 85.0225 to read as follows:

2-16 Sec. 85.0225. STANDARD PROTECTIVE ORDER FORM. The court
2-17 shall use the standardized protective order form created by the
2-18 Office of Court Administration of the Texas Judicial System under
2-19 Section 72.036, Government Code, to issue a protective order under
2-20 this chapter.

2-21 SECTION 8. Subchapter C, Chapter 72, Government Code, is
2-22 amended by adding Section 72.036 to read as follows:

2-23 Sec. 72.036. PROTECTIVE ORDER APPLICATIONS, FORMS, AND
2-24 MATERIALS. (a) The office shall develop and make available on the
2-25 office's Internet website standardized forms and other materials
2-26 necessary to apply for, issue, deny, revise, rescind, serve, and
2-27 enforce any of the following:

2-28 (1) a protective order under Title 4, Family Code, or
2-29 Subchapter A, Chapter 7B, Code of Criminal Procedure;

2-30 (2) a magistrate's order for emergency protection
2-31 under Article 17.292, Code of Criminal Procedure; or

2-32 (3) a temporary ex parte order under Chapter 83,
2-33 Family Code, or Article 7B.002, Code of Criminal Procedure.

2-34 (b) Each standardized form developed under Subsection (a)
2-35 to be used by a magistrate or court issuing an order must include:

2-36 (1) the prohibitions and requirements imposed on the
2-37 respondent;

2-38 (2) the duration of the order;

2-39 (3) the potential consequences of violating the order;

2-40 and

2-41 (4) any other admonishments or warnings required by
2-42 law.

2-43 (c) The materials developed under Subsection (a) must
2-44 include a procedure to ensure that a copy of the order is
2-45 transmitted to all required parties and all relevant information
2-46 required by Section 411.042(b)(6) is entered into the statewide law
2-47 enforcement information system maintained by the Department of
2-48 Public Safety under Section 411.042 and any other applicable
2-49 databases.

2-50 (d) In developing the required applications, forms, and
2-51 materials, the office shall:

2-52 (1) consult with individuals, organizations, and
2-53 state agencies that have knowledge and experience in the issues of
2-54 protective orders, including the Texas Council on Family Violence
2-55 and the Department of Public Safety; and

2-56 (2) give consideration to promoting uniformity of law
2-57 among the states that enact the Uniform Interstate Enforcement of
2-58 Domestic Violence Protection Orders Act.

2-59 SECTION 9. As soon as practicable after the effective date
2-60 of this Act, but not later than June 1, 2022, the Office of Court
2-61 Administration of the Texas Judicial System shall create and make
2-62 available on the office's Internet website all forms and materials
2-63 required by Section 72.036, Government Code, as added by this Act.
2-64 If the office completes the forms and materials required by Section
2-65 72.036, Government Code, as added by this Act, before June 1, 2022,
2-66 the office shall notify each court clerk, judge, magistrate, and
2-67 prosecution agency in the state of the availability of the forms and
2-68 materials.

2-69 SECTION 10. Article 7B.001, Code of Criminal Procedure, as

3-1 amended by this Act, and Section 82.004, Family Code, as amended by
3-2 this Act, apply only to an application for a protective order that
3-3 is filed on or after June 1, 2022. An application for a protective
3-4 order filed before June 1, 2022, is governed by the law in effect on
3-5 the date the application is filed, and the former law is continued
3-6 in effect for that purpose.

3-7 SECTION 11. Articles 7B.003 and 17.292, Code of Criminal
3-8 Procedure, as amended by this Act, Article 7B.0021, Code of
3-9 Criminal Procedure, as added by this Act, and Sections 83.007 and
3-10 85.0225, Family Code, as added by this Act, apply only to a
3-11 protective order, magistrate's order for emergency protection, or
3-12 temporary ex parte order that is issued on or after June 1, 2022. An
3-13 order issued before June 1, 2022, is governed by the law in effect
3-14 on the date the order is issued, and the former law is continued in
3-15 effect for that purpose.

3-16 SECTION 12. This Act takes effect immediately if it
3-17 receives a vote of two-thirds of all the members elected to each
3-18 house, as provided by Section 39, Article III, Texas Constitution.
3-19 If this Act does not receive the vote necessary for immediate
3-20 effect, this Act takes effect September 1, 2021.

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