

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION

May 20, 2021

TO: Honorable Jeff Leach, Chair, House Committee on Judiciary & Civil Jurisprudence

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: SB1458 by Zaffirini (relating to standardized forms and materials for the issuance of protective orders, magistrate 's orders for emergency protection, and temporary ex parte orders.), **Committee Report 2nd House, Substituted**

No significant fiscal implication to the State is anticipated.

The bill would amend the Code of Criminal Procedure to require the Office of Court Administration (OCA) to create standardized forms and other materials necessary to apply for, issue, deny, revise, rescind, serve, and enforce all magistrates' orders of emergency protection, protective order applications, temporary ex parte orders, and final protective orders governed by the Code of Criminal Procedure and the Family Code. The bill would require OCA to make all such forms and materials available on its website no later than June 1, 2022.

The bill would also require OCA to consult with individuals and organizations with knowledge and experience in the issues of protective orders, including the Texas Council on Family Violence, the Department of Public Safety, nonprofit organizations that advocate for the survivors of sexual assault or family violence; individuals, organizations, and state agencies that provide training to judges, prosecutors, and law enforcement officers; the judges or justices of courts of varying jurisdictions; law enforcement agencies; prosecutors; and an organization that receives federal funding under the legal assistance for victims grant program and that has expertise in issues related to family violence, sexual assault, or stalking, as well as consider uniformity of law among the states that enact the Uniform Interstate Enforcement of Domestic Violence Protection Orders Act.

The bill would require that all applicants and courts use the standardized forms created by OCA for the purpose of applying for or issuing a temporary ex parte order, final protective order, or magistrates' order of emergency protection.

Based on the analysis of the Office of Court Administration and the Department of Public Safety, it is assumed that duties and responsibilities associated with implementing the bill could be accomplished utilizing existing resources. In addition, no significant fiscal impact to the state court system is anticipated with the implementation of the bill.

Local Government Impact

According to the Texas Association of Counties, no significant fiscal impact to counties is anticipated.

Source Agencies: 212 Office of Court Admin, 405 Department of Public Safety

LBB Staff: JMc, SLE, BH, AF