

AN ACT

relating to the issuance and effectiveness of protective orders,
magistrate's orders for emergency protection, and temporary ex
parte orders.

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

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

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

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

Art. 7B.0021. STANDARD TEMPORARY EX PARTE ORDER FORM. (a)
The court shall use the standardized temporary ex parte order form
created by the Office of Court Administration of the Texas Judicial
System under Section 72.039, Government Code, to issue a temporary
ex parte order under Article 7B.002.

(b) A court's failure to use the standardized temporary ex
parte order form as required under Subsection (a) does not affect
the validity or enforceability of the temporary ex parte order
issued.

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

1 amended by adding Subsections (d) and (e) to read as follows:

2 (d) The court shall use the standardized protective order
3 form created by the Office of Court Administration of the Texas
4 Judicial System under Section 72.039, Government Code, to issue a
5 protective order under this article.

6 (e) A court's failure to use the standardized protective
7 order form as required under Subsection (d) does not affect the
8 validity or enforceability of the protective order issued.

9 SECTION 4. Article 17.292, Code of Criminal Procedure, is
10 amended by adding Subsections (d-1) and (d-2) to read as follows:

11 (d-1) The magistrate shall use the standardized order for
12 emergency protection form created by the Office of Court
13 Administration of the Texas Judicial System under Section 72.039,
14 Government Code, to issue an order for emergency protection under
15 this article.

16 (d-2) A magistrate's failure to use the standardized order
17 for emergency protection form as required under Subsection (d-1)
18 does not affect the validity or enforceability of the order for
19 emergency protection issued.

20 SECTION 5. Section 82.004, Family Code, is amended to read
21 as follows:

22 Sec. 82.004. FORM AND CONTENT [~~CONTENTS~~] OF APPLICATION. A
23 person filing an application under this chapter shall use the
24 protective order application form created by the Office of Court
25 Administration of the Texas Judicial System under Section 72.039,
26 Government Code, that is available on the office's Internet
27 website, and shall include in the application [~~An application must~~

1 state]:

2 (1) the name and county of residence of each
3 applicant;

4 (2) the name and county of residence of each
5 individual alleged to have committed family violence;

6 (3) the relationships between the applicants and the
7 individual alleged to have committed family violence;

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

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

12 SECTION 6. Chapter 83, Family Code, is amended by adding
13 Section 83.007 to read as follows:

14 Sec. 83.007. STANDARD TEMPORARY EX PARTE ORDER FORM. (a)
15 The court shall use the standardized temporary ex parte order form
16 created by the Office of Court Administration of the Texas Judicial
17 System under Section 72.039, Government Code, to issue a temporary
18 ex parte order under this chapter.

19 (b) A court's failure to use the standardized temporary ex
20 parte order form as required under Subsection (a) does not affect
21 the validity or enforceability of the temporary ex parte order
22 issued.

23 SECTION 7. Subchapter B, Chapter 85, Family Code, is
24 amended by adding Section 85.0221 to read as follows:

25 Sec. 85.0221. STANDARD PROTECTIVE ORDER FORM. (a) The
26 court shall use the standardized protective order form created by
27 the Office of Court Administration of the Texas Judicial System

1 under Section 72.039, Government Code, to issue a protective order
2 under this chapter.

3 (b) A court's failure to use the standardized protective
4 order form as required under Subsection (a) does not affect the
5 validity or enforceability of the protective order issued.

6 SECTION 8. Subchapter C, Chapter 72, Government Code, is
7 amended by adding Section 72.039 to read as follows:

8 Sec. 72.039. PROTECTIVE ORDER APPLICATIONS, FORMS, AND
9 MATERIALS. (a) The office shall develop and make available on the
10 office's Internet website standardized forms and other materials
11 necessary to apply for, issue, deny, revise, rescind, serve, and
12 enforce any of the following:

13 (1) a protective order under Title 4, Family Code, or
14 Subchapter A, Chapter 7B, Code of Criminal Procedure;

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

17 (3) a temporary ex parte order under Chapter 83,
18 Family Code, or Article 7B.002, Code of Criminal Procedure.

19 (b) Each standardized form developed under Subsection (a)
20 to be used by a magistrate or court issuing an order must include:

21 (1) the prohibitions and requirements imposed on the
22 respondent;

23 (2) the duration of the order;

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

25 and

26 (4) any other admonishments or warnings required by
27 law.

1 (c) The materials developed under Subsection (a) must
2 include a procedure to ensure that a copy of the order is
3 transmitted to all required parties and all relevant information
4 required by Section 411.042(b)(6) is entered into the statewide law
5 enforcement information system maintained by the Department of
6 Public Safety under Section 411.042 and any other applicable
7 databases.

8 (d) In developing the required applications, forms, and
9 materials, the office shall:

10 (1) consult with individuals, organizations, and
11 state agencies that have knowledge and experience in the issues of
12 protective orders, including:

13 (A) the Texas Council on Family Violence;

14 (B) the Department of Public Safety;

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

17 (D) individuals, organizations, and state
18 agencies that provide training to judges, prosecutors, and law
19 enforcement officers;

20 (E) the judges or justices of courts of varying
21 jurisdictions;

22 (F) law enforcement agencies;

23 (G) prosecutors; and

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

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

4 SECTION 9. (a) In this section:

5 (1) "Office" means the Office of Court Administration
6 of the Texas Judicial System.

7 (2) "Protective order" means any order that is issued
8 or rendered by a court and that prohibits a person from engaging in
9 certain specified conduct directed toward another person or
10 property, including:

11 (A) a protective order under Title 4, Family
12 Code;

13 (B) a temporary restraining order under Section
14 6.501, Family Code, or a protective order under Section 6.504,
15 Family Code;

16 (C) a magistrate's order for emergency
17 protection under Article 17.292, Code of Criminal Procedure; and

18 (D) a protective order under Subchapter A,
19 Chapter 7B, Code of Criminal Procedure.

20 (b) The office shall conduct a study on the effectiveness of
21 protective orders in protecting victims of violence in this state.

22 (c) Notwithstanding any other law, the Department of Public
23 Safety shall assist the office in conducting the study required by
24 this section by providing the office criminal history records at
25 the time and in the form requested by the office.

26 (d) The office shall create a report based on the study
27 conducted under this section. The report must include:

1 (1) an evaluation of the effectiveness of protective
2 orders in protecting victims of violence in this state by deterring
3 the person who is the subject of the order from engaging in the
4 conduct prohibited under those orders; and

5 (2) legislative recommendations on methods to improve
6 the enforcement of protective orders in this state.

7 (e) Not later than September 1, 2024, the office shall
8 submit the report required under Subsection (c) of this section to
9 the governor, lieutenant governor, speaker of the house of
10 representatives, and appropriate committees of the legislature.

11 (f) This section expires January 1, 2025.

12 SECTION 10. As soon as practicable after the effective date
13 of this Act, but not later than June 1, 2024, the Office of Court
14 Administration of the Texas Judicial System shall create and make
15 available on the office's Internet website all forms and materials
16 required by Section 72.039, Government Code, as added by this Act.
17 If the office completes the forms and materials required by Section
18 72.039, Government Code, as added by this Act, before June 1, 2024,
19 the office shall notify each court clerk, judge, magistrate, and
20 prosecution agency in the state of the availability of the forms and
21 materials.

22 SECTION 11. Article 7B.001, Code of Criminal Procedure, as
23 amended by this Act, and Section 82.004, Family Code, as amended by
24 this Act, apply only to an application for a protective order that
25 is filed on or after June 1, 2024. An application for a protective
26 order filed before June 1, 2024, is governed by the law in effect on
27 the date the application is filed, and the former law is continued

1 in effect for that purpose.

2 SECTION 12. Articles 7B.003 and 17.292, Code of Criminal
3 Procedure, as amended by this Act, Article 7B.0021, Code of
4 Criminal Procedure, as added by this Act, and Sections 83.007 and
5 85.0221, Family Code, as added by this Act, apply only to a
6 protective order, magistrate's order for emergency protection, or
7 temporary ex parte order that is issued on or after June 1, 2024. An
8 order issued before June 1, 2024, is governed by the law in effect
9 on the date the order is issued, and the former law is continued in
10 effect for that purpose.

11 SECTION 13. This Act takes effect immediately if it
12 receives a vote of two-thirds of all the members elected to each
13 house, as provided by Section 39, Article III, Texas Constitution.
14 If this Act does not receive the vote necessary for immediate
15 effect, this Act takes effect September 1, 2023.

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 48 passed the Senate on April 3, 2023, by the following vote: Yeas 31, Nays 0; and that the Senate concurred in House amendment on May 22, 2023, by the following vote: Yeas 30, Nays 1.

Secretary of the Senate

I hereby certify that S.B. No. 48 passed the House, with amendment, on May 18, 2023, by the following vote: Yeas 146, Nays 0, two present not voting.

Chief Clerk of the House

Approved:

Date

Governor