

1-1 By: Zaffirini S.B. No. 48
1-2 (In the Senate - Filed November 14, 2022; February 15, 2023,
1-3 read first time and referred to Committee on Jurisprudence;
1-4 March 27, 2023, reported favorably by the following vote: Yeas 5,
1-5 Nays 0; March 27, 2023, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12	X			

1-13 A BILL TO BE ENTITLED
1-14 AN ACT

1-15 relating to standardized forms and materials for the issuance of
1-16 protective orders, magistrate's orders for emergency protection,
1-17 and temporary ex parte orders.

1-18 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-19 SECTION 1. Article 7B.001, Code of Criminal Procedure, is
1-20 amended by adding Subsection (c) to read as follows:

1-21 (c) A person filing an application under this article shall
1-22 use the protective order application form created by the Office of
1-23 Court Administration of the Texas Judicial System under Section
1-24 72.039, Government Code, that is available on the office's Internet
1-25 website.

1-26 SECTION 2. Subchapter A, Chapter 7B, Code of Criminal
1-27 Procedure, is amended by adding Article 7B.0021 to read as follows:

1-28 Art. 7B.0021. STANDARD TEMPORARY EX PARTE ORDER FORM. (a)
1-29 The court shall use the standardized temporary ex parte order form
1-30 created by the Office of Court Administration of the Texas Judicial
1-31 System under Section 72.039, Government Code, to issue a temporary
1-32 ex parte order under Article 7B.002.

1-33 (b) A court's failure to use the standardized temporary ex
1-34 parte order form as required under Subsection (a) does not affect
1-35 the validity or enforceability of the temporary ex parte order
1-36 issued.

1-37 SECTION 3. Article 7B.003, Code of Criminal Procedure, is
1-38 amended by adding Subsections (d) and (e) to read as follows:

1-39 (d) The court shall use the standardized protective order
1-40 form created by the Office of Court Administration of the Texas
1-41 Judicial System under Section 72.039, Government Code, to issue a
1-42 protective order under this article.

1-43 (e) A court's failure to use the standardized protective
1-44 order form as required under Subsection (d) does not affect the
1-45 validity or enforceability of the protective order issued.

1-46 SECTION 4. Article 17.292, Code of Criminal Procedure, is
1-47 amended by adding Subsections (d-1) and (d-2) to read as follows:

1-48 (d-1) The magistrate shall use the standardized order for
1-49 emergency protection form created by the Office of Court
1-50 Administration of the Texas Judicial System under Section 72.039,
1-51 Government Code, to issue an order for emergency protection under
1-52 this article.

1-53 (d-2) A magistrate's failure to use the standardized order
1-54 for emergency protection form as required under Subsection (d-1)
1-55 does not affect the validity or enforceability of the order for
1-56 emergency protection issued.

1-57 SECTION 5. Section 82.004, Family Code, is amended to read
1-58 as follows:

1-59 Sec. 82.004. FORM AND CONTENT [CONTENTS] OF APPLICATION. A
1-60 person filing an application under this chapter shall use the
1-61 protective order application form created by the Office of Court

2-1 Administration of the Texas Judicial System under Section 72.039,
2-2 Government Code, that is available on the office's Internet
2-3 website, and shall include in the application [An application must
2-4 state]:

2-5 (1) the name and county of residence of each
2-6 applicant;

2-7 (2) the name and county of residence of each
2-8 individual alleged to have committed family violence;

2-9 (3) the relationships between the applicants and the
2-10 individual alleged to have committed family violence;

2-11 (4) a request for one or more protective orders; and

2-12 (5) whether an applicant is receiving services from
2-13 the Title IV-D agency in connection with a child support case and,
2-14 if known, the agency case number for each open case.

2-15 SECTION 6. Chapter 83, Family Code, is amended by adding
2-16 Section 83.007 to read as follows:

2-17 Sec. 83.007. STANDARD TEMPORARY EX PARTE ORDER FORM. (a)
2-18 The court shall use the standardized temporary ex parte order form
2-19 created by the Office of Court Administration of the Texas Judicial
2-20 System under Section 72.039, Government Code, to issue a temporary
2-21 ex parte order under this chapter.

2-22 (b) A court's failure to use the standardized temporary ex
2-23 parte order form as required under Subsection (a) does not affect
2-24 the validity or enforceability of the temporary ex parte order
2-25 issued.

2-26 SECTION 7. Subchapter B, Chapter 85, Family Code, is
2-27 amended by adding Section 85.0221 to read as follows:

2-28 Sec. 85.0221. STANDARD PROTECTIVE ORDER FORM. (a) The
2-29 court shall use the standardized protective order form created by
2-30 the Office of Court Administration of the Texas Judicial System
2-31 under Section 72.039, Government Code, to issue a protective order
2-32 under this chapter.

2-33 (b) A court's failure to use the standardized protective
2-34 order form as required under Subsection (a) does not affect the
2-35 validity or enforceability of the protective order issued.

2-36 SECTION 8. Subchapter C, Chapter 72, Government Code, is
2-37 amended by adding Section 72.039 to read as follows:

2-38 Sec. 72.039. PROTECTIVE ORDER APPLICATIONS, FORMS, AND
2-39 MATERIALS. (a) The office shall develop and make available on the
2-40 office's Internet website standardized forms and other materials
2-41 necessary to apply for, issue, deny, revise, rescind, serve, and
2-42 enforce any of the following:

2-43 (1) a protective order under Title 4, Family Code, or
2-44 Subchapter A, Chapter 7B, Code of Criminal Procedure;

2-45 (2) a magistrate's order for emergency protection
2-46 under Article 17.292, Code of Criminal Procedure; or

2-47 (3) a temporary ex parte order under Chapter 83,
2-48 Family Code, or Article 7B.002, Code of Criminal Procedure.

2-49 (b) Each standardized form developed under Subsection (a)
2-50 to be used by a magistrate or court issuing an order must include:

2-51 (1) the prohibitions and requirements imposed on the
2-52 respondent;

2-53 (2) the duration of the order;

2-54 (3) the potential consequences of violating the order;

2-55 and

2-56 (4) any other admonishments or warnings required by
2-57 law.

2-58 (c) The materials developed under Subsection (a) must
2-59 include a procedure to ensure that a copy of the order is
2-60 transmitted to all required parties and all relevant information
2-61 required by Section 411.042(b)(6) is entered into the statewide law
2-62 enforcement information system maintained by the Department of
2-63 Public Safety under Section 411.042 and any other applicable
2-64 databases.

2-65 (d) In developing the required applications, forms, and
2-66 materials, the office shall:

2-67 (1) consult with individuals, organizations, and
2-68 state agencies that have knowledge and experience in the issues of
2-69 protective orders, including:

- 3-1 (A) the Texas Council on Family Violence;
- 3-2 (B) the Department of Public Safety;
- 3-3 (C) nonprofit organizations that advocate for
- 3-4 the survivors of sexual assault or family violence;
- 3-5 (D) individuals, organizations, and state
- 3-6 agencies that provide training to judges, prosecutors, and law
- 3-7 enforcement officers;
- 3-8 (E) the judges or justices of courts of varying
- 3-9 jurisdictions;
- 3-10 (F) law enforcement agencies;
- 3-11 (G) prosecutors; and
- 3-12 (H) an organization that receives federal
- 3-13 funding under the legal assistance for victims grant program and
- 3-14 that has expertise in issues related to family violence, sexual
- 3-15 assault, or stalking; and

3-16 (2) give consideration to promoting uniformity of law
 3-17 among the states that enact the Uniform Interstate Enforcement of
 3-18 Domestic Violence Protection Orders Act.

3-19 SECTION 9. As soon as practicable after the effective date
 3-20 of this Act, but not later than June 1, 2024, the Office of Court
 3-21 Administration of the Texas Judicial System shall create and make
 3-22 available on the office's Internet website all forms and materials
 3-23 required by Section 72.039, Government Code, as added by this Act.
 3-24 If the office completes the forms and materials required by Section
 3-25 72.039, Government Code, as added by this Act, before June 1, 2024,
 3-26 the office shall notify each court clerk, judge, magistrate, and
 3-27 prosecution agency in the state of the availability of the forms and
 3-28 materials.

3-29 SECTION 10. Article 7B.001, Code of Criminal Procedure, as
 3-30 amended by this Act, and Section 82.004, Family Code, as amended by
 3-31 this Act, apply only to an application for a protective order that
 3-32 is filed on or after June 1, 2024. An application for a protective
 3-33 order filed before June 1, 2024, is governed by the law in effect on
 3-34 the date the application is filed, and the former law is continued
 3-35 in effect for that purpose.

3-36 SECTION 11. Articles 7B.003 and 17.292, Code of Criminal
 3-37 Procedure, as amended by this Act, Article 7B.0021, Code of
 3-38 Criminal Procedure, as added by this Act, and Sections 83.007 and
 3-39 85.0221, Family Code, as added by this Act, apply only to a
 3-40 protective order, magistrate's order for emergency protection, or
 3-41 temporary ex parte order that is issued on or after June 1, 2024. An
 3-42 order issued before June 1, 2024, is governed by the law in effect
 3-43 on the date the order is issued, and the former law is continued in
 3-44 effect for that purpose.

3-45 SECTION 12. This Act takes effect immediately if it
 3-46 receives a vote of two-thirds of all the members elected to each
 3-47 house, as provided by Section 39, Article III, Texas Constitution.
 3-48 If this Act does not receive the vote necessary for immediate
 3-49 effect, this Act takes effect September 1, 2023.

3-50 * * * * *