

BILL ANALYSIS

S.B. 1896
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Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

The bill sponsor has informed the committee that after an arrest for certain offenses, a magistrate can issue an order of emergency protection, under certain situations, for the victim and the victim's family or household members, which is intended to prevent the defendant from inflicting further harm on the victim after the defendant is released from confinement. The bill sponsor has also informed the committee that the magistrate's order is criminally enforceable and that a violation of such an order is a Class A misdemeanor. S.B. 1896 seeks to change this law by requiring a law enforcement officer to provide to the magistrate the relevant information regarding the arrested person that is necessary for the issuance of a magistrate's order for emergency protection, matching it to the information that the arresting officer's agency will ultimately be responsible for submitting to the Texas Crime Information Center database.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

S.B. 1896 amends the Code of Criminal Procedure to require a person making an arrest or the person having custody of the defendant under statutory provisions relating to a magistrate's order for emergency protection to provide to the magistrate any information regarding the defendant that will aid the magistrate in issuing an order for emergency protection under those statutory provisions. The bill requires the person making the arrest or the person having custody to do the following:

- to the extent the information is available, provide information regarding the victim of the offense to the magistrate to aid the magistrate in issuing the order for emergency protection; and
- at a minimum, provide any applicable information collected by the bureau of identification and records in the administrative division of the Department of Public Safety concerning the number and nature of protective orders and magistrate's orders of emergency protection and all other pertinent information about all persons subject to active orders, and any applicable information included in the law enforcement information system relating to an active order, that is available to the person.

The bill authorizes a person, for that purpose, to use a form adopted by the Office of Court Administration of the Texas Judicial System under Government Code provisions governing protective order applications, forms, and materials. The failure to provide the necessary information to the magistrate does not negate the magistrate's authority or duty to issue an order

for emergency protection under provisions relating to a magistrate's order for emergency protection.

S.B. 1896 does the following with respect to the issuance of a magistrate's order for emergency protection as provided by the bill's provisions regarding an offense involving family violence or a trafficking of persons, continuous trafficking of persons, sexual assault, indecent assault, aggravated sexual assault, or stalking offense:

- requires, on presentation of a person arrested without a warrant for committing an applicable offense, the person making the arrest or the person having custody, as applicable, to provide to the magistrate the information regarding the arrested person that is necessary for the issuance of such an order;
- requires a person making a complaint alleging the commission of an applicable offense to include the information necessary for the issuance of such an order and establishes that the failure of a person making the complaint to provide that information does not affect the sufficiency of the complaint; and
- requires, on presentation of a person arrested under a warrant for committing an applicable offense, the person making the arrest or the person having custody, as applicable, to provide to the magistrate the information regarding the arrested person that is necessary for the issuance of such an order.

S.B. 1896 applies only to a person who is arrested on or after the bill's effective date. A person arrested before the bill's effective date is governed by the law in effect on the date the person was arrested, and the former law is continued in effect for that purpose.

EFFECTIVE DATE

September 1, 2025.