

BILL ANALYSIS

Senate Research Center

S.B. 2196
By: Johnson
Criminal Justice
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Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Magistrate Ordered Emergency Protection (MOEP) are essential protective mechanisms for victims and their family after a defendant is arrested for committing family violence, sexual assault, sexual abuse, indecent assault, stalking, or trafficking. An MOEP prevents a defendant from inflicting further harm on the victim after a defendant is released from confinement. Magistrate orders do not require hearings, a pre-existing relationship between the victim and defendant, and are issued before a defendant is released from custody.

Under current law, MOEPs are issued for the option of 31, 61, or 91 days. However, MOEPs issued for 31 days do not provide enough time for a victim of crime to allocate resources within their lives, such as ensuring their children are safe, securing finances, protecting vehicle and homestead documents, or in seeking shelter. Too often, victims of crimes are faced with unrealistic time constraints that are not sufficient for them to reorganize their lives in a critical moment of crisis.

S.B. 2196 amends Article 17.292(j) of the Code of Criminal Procedure to extend the period during which an order for emergency protection remains in effect. The bill would extend MOEPs in increments of 30 days for each respective timeframe to protect victims by allowing more time for victims to arrange critical resources and alternative plans. For instance, 31 days would move to 61 days, 61 days would move to 91 days, and 91 days would move to 121 days.

There is no anticipated opposition. Supporters include the Houston Police Department, Texas Council on Family Violence, San Jacinto Criminal District Attorney, Sheriffs Association of Texas, 46th District Attorney's Office, Houston Police Officers' Union, Texas Sheriffs Regional Alliance, Sheriffs Association of Texas, Harris County Deputies' Organization Fraternal Order of Police Lodge #39, Dallas Police Association, Sheriffs' Association of Texas, El Paso County, and the Texas Municipal Police Association (TMPA).

S.B. 2196 amends current law relating to the period during which an order for emergency protection remains in effect.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Article 17.292(j), Code of Criminal Procedure, as follows:

(j) Provides that an order for emergency protection issued under Subsection (a) (relating to authorizing the magistrate to issue an order for emergency protection) or (b)(1) (relating to an order for emergency protection if the arrest is for an offense that involves serious bodily injury to the victim) of Article 17.292 (Magistrate's Order for Emergency Protection) remains in effect up to the 91st, rather than 61st, day but not less than 61, rather than 31, days after the date of issuance. Provides that an order for emergency protection issued under Subsection (b)(2) of this article (relating to an order for emergency protection if the arrest is for an offense that involves the use or exhibition of a

deadly weapon during the commission of an assault) remains in effect up to the 121st, rather than 91st, day but not less than 91, rather than 61, days after the date of issuance.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2025.