

By: Huffman
(Cook)

S.B. No. 1896

A BILL TO BE ENTITLED

AN ACT

relating to the provision of information regarding an arrested person and the victim of the offense to a magistrate for purposes of an order for emergency protection.

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

SECTION 1. Article 14.06, Code of Criminal Procedure, is amended by adding Subsection (a-1) to read as follows:

(a-1) On presentation of a person arrested for committing an offense described by Article 17.292(a), the person making the arrest or the person having custody, as applicable, shall provide to the magistrate the information regarding the arrested person that is necessary for the issuance of a magistrate's order for emergency protection as provided by Article 17.292(d-3).

SECTION 2. Chapter 15, Code of Criminal Procedure, is amended by adding Article 15.052 to read as follows:

Art. 15.052. ADDITIONAL INFORMATION FOR COMPLAINTS FOR CERTAIN OFFENSES. (a) A person making a complaint alleging the commission of an offense described by Article 17.292(a) shall include the information necessary for the issuance of a magistrate's order for emergency protection as provided by Article 17.292(d-3).

(b) The failure of a person making the complaint to provide the information under Subsection (a) does not affect the sufficiency of the complaint.

SECTION 3. Article 15.17, Code of Criminal Procedure, is amended by adding Subsection (a-2) to read as follows:

(a-2) On presentation of a person arrested for committing an offense described by Article 17.292(a), the person making the arrest or the person having custody, as applicable, shall provide to the magistrate the information regarding the arrested person that is necessary for the issuance of a magistrate's order for emergency protection as provided by Article 17.292(d-3).

SECTION 4. Article 17.292, Code of Criminal Procedure, is amended by adding Subsection (d-3) to read as follows:

(d-3) The person making the arrest or the person having custody of the defendant shall provide to the magistrate any information regarding the defendant that will aid the magistrate in issuing an order for emergency protection under this article. To the extent the information is available, the person making the arrest or the person having custody shall provide information regarding the victim of the offense to the magistrate to aid the magistrate in issuing the order for emergency protection. The person making the arrest or the person having custody, as applicable, shall, at a minimum, provide any information described by Section 411.042(b)(6), Government Code, available to the person and may use a form adopted by the Office of Court Administration of the Texas Judicial System under Section 72.039, Government Code, for this purpose. 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 this article.

SECTION 5. The change in law made by this Act applies only

1 to a person who is arrested on or after the effective date of this
2 Act. A person arrested before the effective date of this Act is
3 governed by the law in effect on the date the person was arrested,
4 and the former law is continued in effect for that purpose.

5 SECTION 6. This Act takes effect September 1, 2025.