

SUBJECT: Establishing standardized forms for issuance of certain court orders

COMMITTEE: Judiciary & Civil Jurisprudence — favorable, without amendment

VOTE: 9 ayes — Leach, Julie Johnson, Davis, Flores, Moody, Murr, Schofield, Slawson, Vasut

0 nays

SENATE VOTE: On final passage (April 3) — 31 - 0

WITNESSES: For — Steve Bresnen, El Paso County; Krista Del Gallo, Texas Council on Family Violence (*Registered, but did not testify*: Staley Heatly, 46th District Attorney; James Parnell, Dallas Police Association; Aaryce Hayes, Disability Rights Texas; Robin Foster, Harris County Deputies' Organization Fraternal Order of Police Lodge 39; Christine Yanas, Methodist Healthcare Ministries; John Wilkerson, Texas Municipal Police Association; Julie Wheeler, Travis County Commissioners Court)

Against — (*Registered, but did not testify*: Lindy Borchardt, Tarrant County Criminal District Attorney, Phil Sorrells)

On — John Woodley, Advocates for Disability Access & Self (*Registered, but did not testify*: Heather Bellino, Texas Advocacy Project)

BACKGROUND: Concerns have been raised that variations in forms for certain protective orders may cause delays for the Department of Public Safety in transmitting information regarding persons prohibited from possessing firearms to the FBI's National Instant Criminal Background Check System.

DIGEST: SB 48 would require the Office of Court Administration of the Texas Judicial System (OCA) to develop and make available on its website standardized forms and other materials necessary to apply for, issue, deny, revise, rescind, serve, and enforce a protective order, a magistrate's order for emergency protection, or a temporary ex parte order.

A person filing an application for a protective order, a court issuing a temporary ex parte order or a protective order, or a magistrate issuing an order for emergency protection would be required to use the applicable standardized form. The bill would establish that a court's or magistrate's failure to use the standardized order form would not affect the validity or enforceability of the order.

Each form would be required to include the prohibitions and requirements for respondents, the duration of the order, potential consequences of violating the order, and any other admonishments or warnings required by law.

OCA would be required to develop the forms in consultation with certain individuals, organizations, and state agencies that had knowledge and experience with the issues of protective orders. OCA also would be required to give consideration to promoting uniformity of law among the states that enacted the Uniform Interstate Enforcement of Domestic Violence Protection Orders Act.

The materials would have to include a procedure to ensure that a copy of a relevant order was transmitted to all required parties and all relevant information was entered into the statewide law enforcement information system and any other applicable databases.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2023. OCA would be required to create and make all forms and materials available on their website by June 1, 2024. The bill would apply only to an application for an applicable order filed on or after June 1, 2024.