

BILL ANALYSIS

Senate Research Center
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S.B. 325
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AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Interested parties contend that the current methods by which certain protective orders are applied for and issued do not include processes for actively informing law enforcement agencies, courts, governmental entities, or the general public of the individuals who are subject to such orders. S.B. 325 seeks to address this issue by establishing a protective order registry for certain protective orders and applications for protective orders filed in Texas.

As proposed, S.B. 325 amends current law relating to establishing a protective order registry and the duties of courts in regard to the registry.

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 Chapter 72, Government Code, by adding Subchapter F, as follows:

SUBCHAPTER F. PROTECTIVE ORDER REGISTRY

Sec. 72.151. DEFINITIONS. Defines "authorized user," "peace officer," "protective order," "protective order registry," "registry," and "race or ethnicity."

Sec. 72.152. APPLICABILITY. Establishes that this subchapter only applies to an application for a protective order filed under Chapter 82 (Applying for Protective Order), Family Code, or Article 17.292 (Magistrate's Order for Emergency Protection), Code of Criminal Procedure, and a protective order issued under Chapters 83 (Temporary Ex Parte Orders) or 85 (Issuance of Protective Order), Code of Criminal Procedure.

Sec. 72.153. PROTECTIVE ORDER REGISTRY. (a) Requires the Office of Court Administration of the Texas Judicial System (OCA), in consultation with the Texas Department of Public Safety and the courts of this state, to establish and maintain a central, computerized, and Internet-based registry for applications for protective orders filed in this state and protective orders issued in this state.

(b) Requires OCA to establish and maintain the registry in a manner that allows municipal and county case management systems to easily interface with the registry.

Sec. 72.154. PUBLIC ACCESS TO PROTECTIVE ORDER REGISTRY. (a) Requires OCA to establish and maintain the registry in a manner that allows any person, free of charge, to electronically search for and receive publicly accessible information contained in the registry regarding each protective order issued in this state. Requires the registry to be searchable by the county of issuance, the name of the person who is the subject of the protective order, and the birth year of a person who is the subject of the protective order.

(b) Requires publicly accessible information regarding each protective order to consist of the court that issued the protective order, the case number, the full name, county of residence, birth year, and race or ethnicity of the person who is the subject of the protective order, the dates the protective order was issued and served, the dates the protective order was vacated, if applicable, and the date the protective order expired or will expire, if applicable.

(c) Authorizes a member of the public to only access the information in the registry described by Subsection (b).

Sec. 72.155. RESTRICTED ACCESS TO PROTECTIVE ORDER REGISTRY. (a) Requires the registry to include a copy of each application for a protective order filed in this state and a copy of each protective order issued in this state, including a vacated or expired order. Authorizes certain individuals to access that information under the registry.

(b) Requires OCA to ensure that certain individuals are able to search for and receive a copy of a filed application for a protective order or a copy of an issued protective order through the registry's Internet website.

Sec. 72.156. ENTRY OF APPLICATIONS. (a) Requires the court, except as provided by Subsection (b), as soon as possible but not later than 12 hours after the time an application for a protective order is filed, to enter a copy of the application into the registry.

(b) Authorizes a court to delay entering the information under Subsection (a) into the registry only to the extent that the court lacks the specific information required to be entered.

(c) Requires OCA to ensure that a member of the public is not able to view through the registry's Internet website the application or any information related to the application entered into the registry under Subsection (a).

Sec. 72.157. ENTRY OF ORDERS. (a) Requires the court, except as provided by Subsection (c) and Section 72.158, as soon as possible but not later than 12 hours after the time a court issues an original or modified protective order or extends the duration of a protective order, to enter into the registry a copy of the order and, if applicable, a notation regarding any modification or extension of the order and the information required under Section 72.154(b).

(b) Requires the applicable court, for a protective order that is vacated or that has expired, to modify the record of the order in the registry to reflect the order's status as vacated or expired.

(c) Authorizes a court to delay entering information under Subsection (a) into the registry only to the extent that the court lacks the specific information required to be entered.

Sec. 72.158. REQUEST FOR REMOVAL OF PUBLIC ACCESS. (a) Authorizes a person protected by an order or member of the family or household of a person protected by an order, other than the person who is the subject of the order, to request OCA to remove the ability of a member of the public to view through the registry's Internet website information about the record as described by Section 72.154(b).

(b) Requires OCA to ensure that the public access to the information is removed as soon as practicable after a request is made and after the public access is removed, certain individuals remain able to search for and receive a copy of the order or information about the order.

(c) Authorizes OCA to prescribe a form for use by a person requesting the removal of public access to information under Subsection (a).

Sec. 72.159. USE OF STAFF. Authorizes a court to use any available staff and resources to carry out the court's duties under this subchapter.

SECTION 2. (a) Requires OCA, except as provided by Subsection (b) of this section, not later than June 1, 2020, to establish the protective order registry required by Section 72.153, Government Code, as added by this Act.

(b) Authorizes OCA to delay establishing the registry described by Subsection (a) of this section for a period not to exceed 90 days if the delay is authorized by resolution of the Texas Judicial Council.

(c) Requires OCA, not later than June 1, 2020, to establish and supervise a training program for magistrates, court staff, and peace officers on the use of the registry described by Subsection (a) of this section. Requires the training program to make all materials for use in this training program available to magistrates, court staff, and peace officers.

SECTION 3. Prohibits OCA, notwithstanding Section 2 of this Act, from allowing a member of the public to view, before September 1, 2020, publicly accessible information described by Section 72.154(b), Government Code, as added by this Act, through the Internet website of the registry established under Subchapter F, Chapter 72, Government Code, as added by this Act.

SECTION 4. Makes application of this Act prospective to September 1, 2020.

SECTION 5. Effective date: September 1, 2019.