

SB 325 Summary (Protective Order Registry)

Chapter 72, Government Code, Subchapter F

Sec. 72.151 Definitions

Authorized user: person to whom the office has given permission and the means to submit records to or modify or remove records in the registry.

Peace officer: meaning assigned by Article 2.12, Code of Criminal Procedure.

Protective order: an order issued by a court in this state to prevent family violence, as defined by Section 71.004, Family Code. Qualifying orders are issued pursuant to

- Chapters 83 or 85, Family Code; or
- Article 17.292, Code of Criminal Procedure, with respect to a person who is arrested for an offense involving family violence.

Protective order registry or registry: protective order registry established under Section 72.153.

Race or ethnicity: a particular descent, including Caucasian, African, Hispanic, Asian, or Native American descent.

Sec. 72.152. Applicability

- Applications for a protective order filed under:
 - Chapter 82, Family Code; or
 - Article 17.292, Code of Criminal Procedure, with respect to a person who is arrested for an offense involving family violence; and
- Protective orders issued under:
 - Chapter 83 or 85, Family Code; or
 - Article 17.292, Code of Criminal Procedure, with respect to a person who is arrested for an offense involving family violence.

Sec. 72.153. Protective Order Registry.

OCA must consult with DPS and the courts to establish and maintain a centralized Internet-based registry for applications for protective orders filed in this state and protective orders issued in this state and allows municipal and county case management systems to easily interface with the registry.

Sec. 72.154. Public Access to Protective Order Registry (limited access)

(a) Subject to Subsections (c) and (d) and Section 72.158, the registry must allow a member of the public to electronically search for and receive publicly accessible

information contained in the registry regarding each protective order issued in this state.

The registry must be:

- Free of charge, and
- Searchable by:
 - Issuing county
 - Name of respondent
 - Birth year of respondent

(b) and (c) publicly accessible information must include **ONLY** the following:

- Issuing court;
- Case number;
- Respondent's information
 - full name
 - county of residence
 - birth year, and
 - race or ethnicity;
- Date issued
- Date served;
- Date the order was vacated, if applicable; and
- Date of expiration.

(c) No public access to any information regarding the following types of orders will be allowed:

- Magistrate's Orders of Emergency Protection (Art. 17.292 CCP)
- Temporary Ex Parte Orders (Chp. 83, FC)

Sec. 72.155. Restricted Access to Protective Order Registry.

(a) The registry must 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.

(b) and (c) Only the following persons may access that information under the registry, and be able to search for and receive a copy of a filed application or issued protective order through the registry's website:

- an authorized user,
- the attorney general,
- a district attorney,
- a criminal district attorney,
- a county attorney,
- a municipal attorney,
- or a peace officer.

Sec. 72.156. Entry of Applications

- (a) The clerk shall enter a copy of the application into the registry as soon as possible but not later than 24 hours after an application for a protective order is filed.
- (b) A clerk may delay entering information into the registry only to the extent that the clerk lacks the specific information required to be entered.
- (c) The public is not allowed access through the registry's Internet website the application or any information related to the application entered into the registry.

Sec. 72.157. Entry of Orders

- (a) After the time a court issues an original or modified protective order, or extends the duration of a protective order, the clerk shall enter into the registry:
 - a copy of the order and, if applicable, a notation regarding any modification or extension of the order;
 - Issuing court;
 - Case number;
 - Respondent's information
 - full name
 - county of residence
 - birth year, and
 - race or ethnicity;
 - Date issued
 - Date served;
 - Date the order was vacated, if applicable; and
 - Date of expiration.
- (b) For a protective order that is vacated or that has expired, the clerk of the applicable court shall modify the record of the order in the registry to reflect the order's status as vacated or expired.
- (c) A clerk may delay entering information into the registry only to the extent that the clerk lacks the specific information required to be entered.

Sec. 72.158. Request for Grant or Removal of Public Access.

- (a) OCA shall ensure that the public may access information about protective orders issued pursuant to Chapter 85, Family Code only if:
 - a protected person requests that the office grant the public the ability to access the information, and
 - OCA approves the request.
- (b) After the request is approved, the protected person may later request to remove the public's ability to access the information pertaining to the order. OCA then shall

remove the ability of the public to access the information not later than the third business day after the office receives the removal request.

(c) The Supreme Court of Texas:

- Shall prescribe a form for use by the protected person to grant or remove of public access to the protective order; and
- May prescribe procedures for requesting a grant or removal of public access.

Timelines

- By **June 1, 2020**, OCA shall:
 - Establish the Protective Order Registry. This deadline may be delayed by up to 90 days if authorized by resolution of the Texas Judicial Council.
 - Establish and supervise a training program for magistrates, court personnel, and peace officers on the use of the protective order registry and make all materials for use in the training program available to trainees.
- OCA shall not allow public access until **September 1, 2020**.
- Registry only applies to applications and orders issued on or after **September 1, 2020**.