

SB 325 Protective Order Registry Highlights

- A. SB 325, AKA “Monica’s Law”, named in honor of Monica Deming who was killed by her ex-boyfriend in Odessa in 2015. The ex-boyfriend had prior protective orders against him, but Monica was not aware of this. After her murder, Monica’s family approached Rep. Landgraf to author legislation to create a statewide searchable data base that allow the public to look up domestic violence protective orders filed by Texas courts.
- B. By June 2020, the Office of Court Administration must:
 - a. Establish protective order registry that allows case management systems to interface, and restricted access authorized users (police, prosecutors, etc.) to access PO info and images.
 - b. Establish and supervise training program for all authorized users.
 - c. Beginning September 1, 2020, limited public access to information for protective orders issued pursuant to TFC Chapter 85 will be allowed only if victim requests such access.
 - d. Deadline may be delayed by up to 90 days if authorized by resolution of the Texas Judicial Council.
- C. Information available to the public with permission from the applicant:
 - a. Issuing court;
 - b. Case number;
 - c. Respondent’s information
 - i. full name
 - ii. county of residence
 - iii. birth year, and
 - iv. race or ethnicity;
 - d. Date issued
 - e. Date served;
 - f. Date the order was vacated, if applicable; and
 - g. Date of expiration.
- D. The following participants will have restricted access to protective order applications and protective orders issued pursuant to TFC Chapter 83 (ex parte protective orders), Chapter 85 (protective orders), and Article 17.292, CCP (magistrates’ orders of emergency protection) for persons arrested for an offense involving family violence:
 - a. an authorized user,
 - b. the attorney general,
 - c. a district attorney,
 - d. a criminal district attorney,
 - e. a county attorney,
 - f. a municipal attorney, or

- g. a peace officer.
- h. Required forms to be prescribed by the Supreme Court:
 - i. Petitioner's request to grant public access (should also be part of PO kit), and
 - ii. Petitioner's request to remove public access.

Important Considerations:

- A. The Protective Order Registry will not replace the current requirements for entry of protective orders into the Texas Crime Information Center (TCIC), but will rather expand access and complement currently available information.
- B. SB 325 also provides that a copy of the protective orders will be uploaded to the database for access by authorized users, and other justice personnel. The public will not be able to access these images.
- C. An information form, though not required under SB 325, would facilitate timely and accurate entry of information into both the registry and TCIC. Existing resources to create to create such a document include:
 - a. TCIC Protective Order Data Entry Form (2017), created by the Texas Department of Public Safety, and
 - b. A sample checklist to determine if the order disqualifies the respondent from possessing a firearm under the Brady Act and/or Texas law.