

- SUBJECT:** Modifying certain provisions related to the protective order registry
- COMMITTEE:** Judiciary and Civil Jurisprudence — committee substitute recommended
- VOTE:** 8 ayes — Leach, Davis, Julie Johnson, Krause, Middleton, Moody, Schofield, Smith
- 0 nays
- 1 absent — Dutton
- WITNESSES:** For — (*Registered, but did not testify:* Jama Pantel, Justices of the Peace and Constables Association of Texas; Thomas Parkinson)
- Against — None
- On — Kimberly Piechowiak, Office of Court Administration
- BACKGROUND:** Under Government Code sec. 72.153, the Office of Court Administration (OCA) must establish and maintain a centralized internet-based registry for applications for protective orders filed in Texas and protective orders issued in Texas.
- Code of Criminal Procedure ch. 7B, subch. A establishes provisions on protective orders for victims of sexual assault or abuse, stalking, or trafficking.
- The 86th Legislature enacted SB 325 by Huffman, which required OCA to develop a protective order registry. Some have suggested that the registry has been successful in helping victims but that additional statutory revisions and clarifications are needed for the administration of the registry, and there have been requests from OCA for such revisions to increase the registry's effectiveness.
- DIGEST:** CSHB 2702 would expand applicability of statutory provisions for the protective order registry maintained by the Office of Court Administration

(OCA) to include protective orders for victims of sexual assault or abuse, stalking, or trafficking, and to applications for those orders. OCA could not allow a member of the public to access through the registry any information related to a temporary ex parte order for such a protective order or to a protective order that was vacated.

The bill would require the clerk of the applicable court to ensure that a record of a vacated order was not accessible by the public. The bill also would require the clerk to notify OCA of any protective order that was vacated as the result of an appeal or bill of review from a district or county court by the end of the next business day after the date the order was vacated. OCA would have to remove such records from the registry not later than the third business day after the date the notice from the clerk was received.

As soon as practicable after bill's effective date, OCA would have to remove the record of any protective orders that had been vacated as the result of an appeal or bill of review from a district or county court from the registry and to ensure that any other vacated protective orders were not accessible by the public.

The bill would take effect September 1, 2021, and would apply only to an application for a protective order filed or a protective order issued on or after that date.