

BILL ANALYSIS

Senate Research Center
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S.B. 479
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Jurisprudence
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DIGEST AND PURPOSE

Current law does not contain a time requirement for entering information on original or modified protective orders into the Texas Criminal Information Center database. Some counties mistakenly enter protective order information into their own county systems but not into the statewide database. As a result, information is often entered, if at all, after a lengthy delay and law enforcement officers have incomplete information on the existence of protective orders. This limits their ability to enforce the orders and allows individuals subject to the orders to behave in ways contrary to the orders, thereby risking the safety of both law enforcement officers and crime victims. As proposed, S.B. 479 requires that protective orders be entered into the Department of Public Safety statewide law enforcement information system no later than 10 days after the order is received. The short 10-day limit is significant since domestic violence survivors are in the most danger shortly after leaving a batterer. It also makes a technical change about what information must be entered to reflect recent amendments to other sections of the code.

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 Sections 85.042(a) and (d), Family Code, to require the clerk of a court issuing an original or modified protective order under this subtitle to send a copy of the order, along with the information provided by the applicant or the applicant's attorney that is required under Section 411.042(b)(6) (Bureau of Identification and Records), rather than Section 411.042(b)(5), Government Code, to the chief law enforcement officer of the municipality or county in which the member of the family or household protected by the order resides. Deletes text requiring the law enforcement officer to enter the information into the statewide law enforcement information system. Makes a conforming change.

SECTION 2. Amends Chapter 86, Family Code, to add Section 86.0011, as follows:

Sec. 86.0011. DUTY TO ENTER INFORMATION INTO STATEWIDE LAW ENFORCEMENT INFORMATION SYSTEM. Requires a law enforcement agency, on receipt of an original or modified protective order from the clerk of the issuing court, to immediately, but not later than the 10th day after the date the order is received, enter the information required by Section 411.042(b)(6), Government Code, into the statewide law enforcement information system maintained by the Department of Public Safety.

SECTION 3. Effective date: September 1, 2001.
Makes application of this Act prospective.