

## **BILL ANALYSIS**

Senate Research Center

H.B. 570  
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Criminal Justice  
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Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Current law authorizes a magistrate to issue an order for emergency protection at a defendant's appearance before the magistrate after being arrested for an offense involving family violence or certain other offenses to prevent the offender from committing further acts of violence against a victim and the victim's family members. While the law does not specify the required venue for the issuance of such an order, it requires a copy of the order to be served on the defendant in open court. Interested parties note that this requirement is impractical because these orders often are issued while the offender is imprisoned, thus serving a copy of the order to a defendant in open court could create safety concerns for the magistrate, law enforcement officers, and members of the general public present in the courtroom.

In an effort to alleviate these safety risks, H.B. 570 removes the requirement that the defendant be served a copy of the emergency order for protection in open court and provides the option of serving the copy electronically to a defendant, including a defendant in jail.

H.B. 570 amends current law relating to issuance of a magistrate's order for emergency protection.

### **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 Articles 17.292(d) and (j), Code of Criminal Procedure, as follows:

(d) Provides that the victim of an offense involving family violence or an offense under Section 22.011 (Sexual Assault), 22.021 (Aggravated Sexual Assault), or 42.072 (Stalking), Penal Code, need not be present, rather than need not be present in court, when the order for emergency protection is issued.

(j) Provides that an order for emergency protection issued under this article (Magistrate's Order for Emergency Protection) is effective on issuance, and the defendant is required to be served a copy of the order by the magistrate or the magistrate's designee in person or electronically. Requires the magistrate to make a separate record of the service in written or electronic format. Deletes existing text requiring that the defendant be served a copy of the order in open court.

SECTION 2. Effective date: upon passage or September 1, 2013.