


# Magistrates Orders of Emergency Protection & Other Tools for Family Violence Homicide Prevention

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Domestic Violence Training Attorney  
Office of Court Administration



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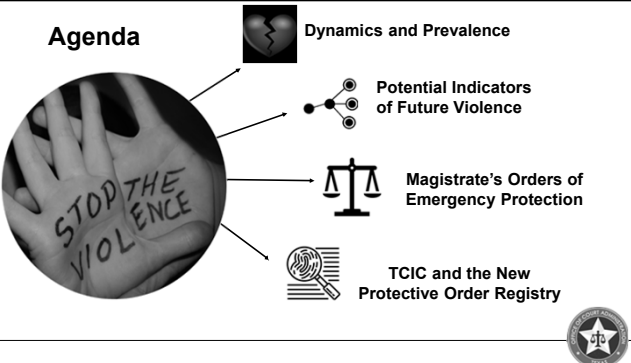
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## Agenda



- Dynamics and Prevalence
- Potential Indicators of Future Violence
- Magistrate's Orders of Emergency Protection
- TCIC and the New Protective Order Registry



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## DYNAMICS AND PREVALENCE

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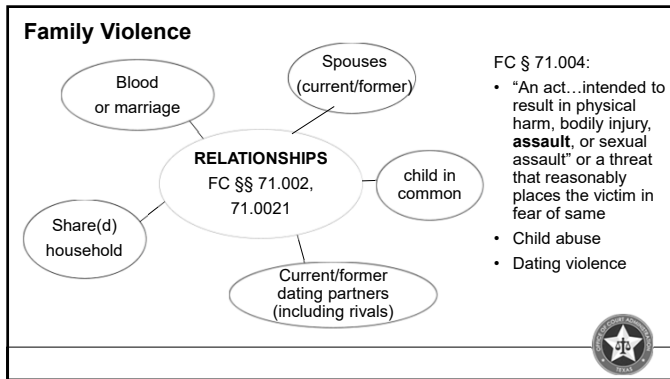
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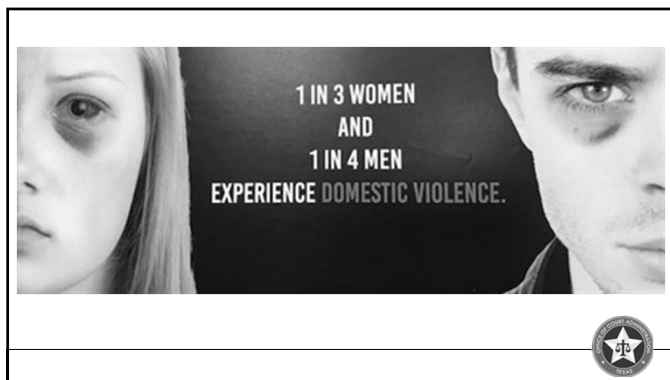
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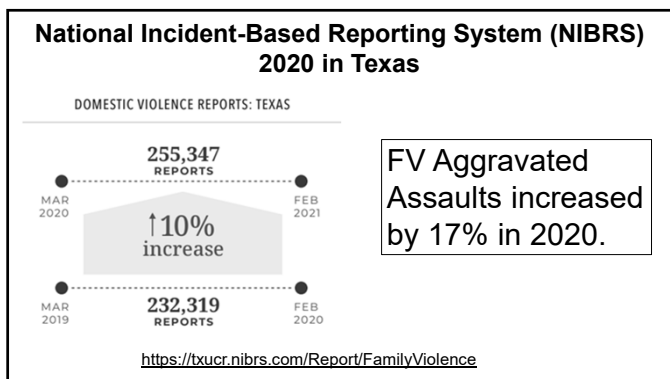
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Texas Council on Family Violence Publications Page:  
<https://tcfv.org/publications/>

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## Honoring Texas Victims Report 2020

Texas Council on Family Violence Publications Page:  
<https://tcfv.org/publications/>

### Texas Intimate Partner Fatality Report

**Summary Facts:** [https://2mg7q749lu2112sis323nkkn-wpengine.netdna-ssl.com/wp-content/uploads/tcfv\\_htv\\_summary\\_facts\\_2020.pdf](https://2mg7q749lu2112sis323nkkn-wpengine.netdna-ssl.com/wp-content/uploads/tcfv_htv_summary_facts_2020.pdf)

**HTV 2020 Report:** [https://2mg7q749lu2112sis323nkkn-wpengine.netdna-ssl.com/wp-content/uploads/tcfv\\_htv\\_rprt\\_2020.pdf](https://2mg7q749lu2112sis323nkkn-wpengine.netdna-ssl.com/wp-content/uploads/tcfv_htv_rprt_2020.pdf)

**Victim Narratives:** [https://2mg7q749lu2112sis323nkkn-wpengine.netdna-ssl.com/wp-content/uploads/tcfv\\_htv\\_narratives\\_2020.pdf](https://2mg7q749lu2112sis323nkkn-wpengine.netdna-ssl.com/wp-content/uploads/tcfv_htv_narratives_2020.pdf)

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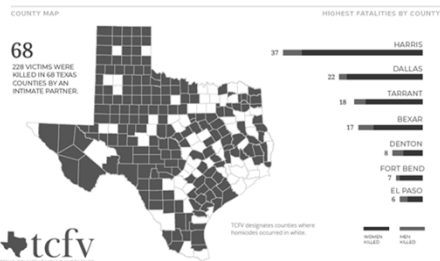
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## Honoring Texas Victims 2020: 228 Texans



- 183 Women killed by male partners
- 40 men killed by female partners
- 5 men and women killed by same-sex partners

**23% Increase in Homicides Between 2019 And 2020**

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Cases of intimate partner deaths are not included in the Honoring Texas Victims report if...

- charges do not include murder or manslaughter
- charges are reduced or dismissed
- the case remains under investigation
- the missing victim has not been found
- deemed accidental death or shooting
- determined to be self-defense or justifiable homicide



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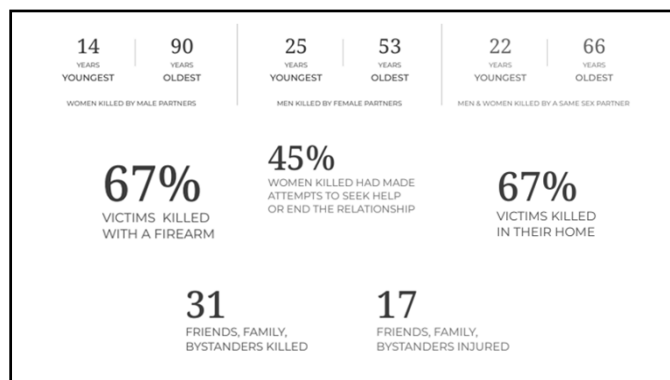
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In 2020...



11 women were pregnant when they were killed

123 adults and 177 minors lost at least one parent due to intimate partner homicide.



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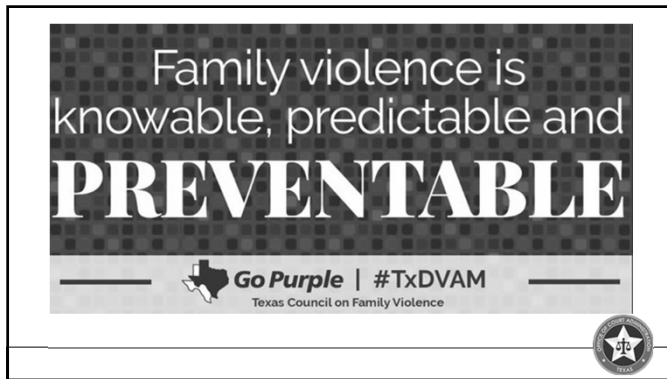
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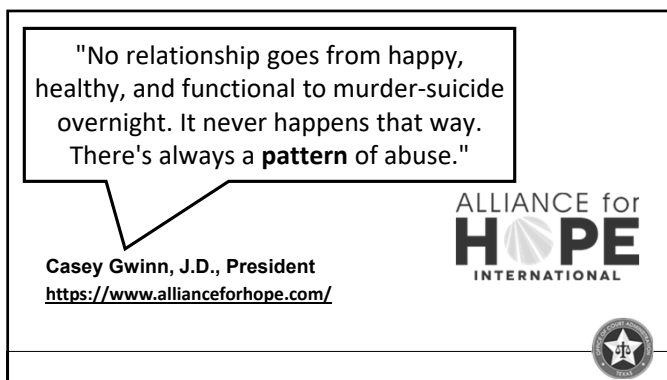
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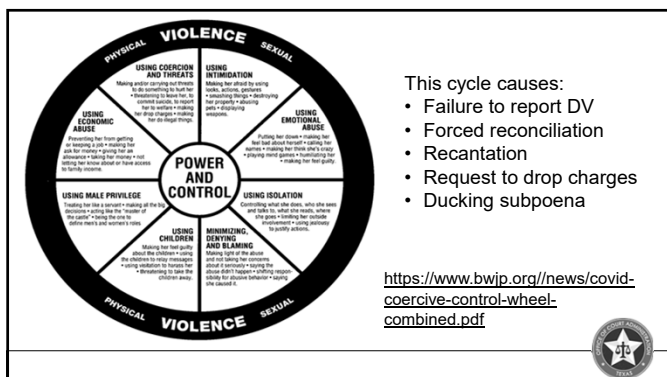
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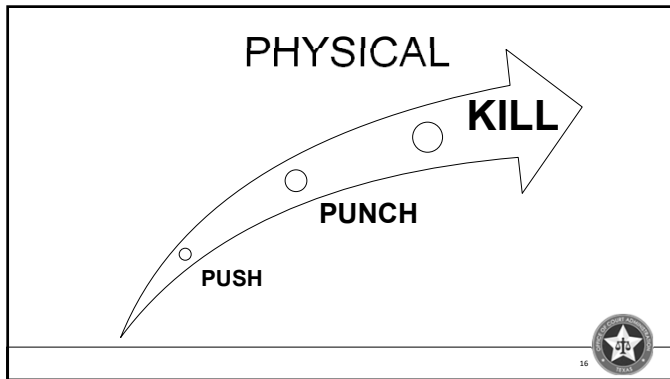
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**Potential Indicators of Future Violence**

- Survivor
- Law Enforcement
- Community

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**What does that future behavior look like?**

Survivors

- **Danger to same partner**
  - Repeat violations
  - Lethality escalates
  - Extends to loved ones/children
- **Danger to new partner-** cycle starts all over again
- **Prior Family Violence**
  - 72% of domestic violence homicides
- **Stalking**
  - 76% of female domestic violence homicide victims

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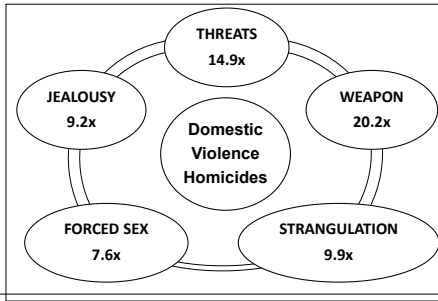
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## OTHER IMPORTANT LETHALITY FACTORS



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## A word about strangulation...



Loss of consciousness can occur within 5-10 seconds. Death within minutes.

Only half of victims have visible injuries. Of these, only 15% could be photographed.



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<https://www.officer.com/investigations/article/12232472/are-thermal-cameras-the-next-step-in-law-enforcement-documentation-of-assault-injuries>



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## Gabby Petito

In a 2008 study from journal of emergency medicine: "43 percent of women who were murdered in domestic assaults, and 45 percent of the victims of attempted murder, had been strangled by their partner within the year before."

If victim survives, strangulation is ten times more likely to happen again.



<https://www.strangulationtraininginstitute.com/strangulation-the-red-flag-of-domestic-violence-that-we-never-discuss/>



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## TOOLS YOU CAN USE

### Lethality/Danger Assessments

<https://www.dangerassessment.org/>

### Strangulation

The Training Institute on Strangulation Prevention

<https://www.strangulationtraininginstitute.com/>

<https://www.strangulationtraininginstitute.com/resources/library/strangulation-information-graphic/>

**2019:** Occupations Code, Section 1701.253(d) mandates peace officer training on recognizing and documenting strangulation



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## What does that future behavior look like?

### Law Enforcement Officers



#### Nat'l LEO Memorial Fund: 2018

- 47 officers killed in the line of duty.
- 66% of them (31) were killed by men with a DV history, including strangulation.

From 2019 to 2020: Assaults against law enforcement officers while responding to family violence calls increase by 80% .

<https://txucr.nibrs.com/Report/FamilyViolence>



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### What does that future behavior look like?

- Austin, 1966 (UT) –killed mother and wife; ultimately killed 14 people and wounding 31
- Boston Marathon, 2013 –DV arrest in 2009
- Orlando, 2016 –previously strangled ex-wife
- Nice, France 2016 –killed 84 and injured 300; DV arrest in 2009
- Sutherland Springs, 2017 – multiple DV incidents and convictions
- San Jose, CA, May 2021- killed 9 co-workers; 2009 court records revealed DV and sexual assault allegations

#### Community: Mass killings



#### Gun Violence Archive (GVA)

- <https://www.gunviolencearchive.org/about>
- Gun violence incidents from over 7,500 law enforcement, government, media, and commercial sources

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### “MASS SHOOTING” DEFINITION:

- Federal agencies collect data on “active shooters,” i.e., “one or more individuals actively engaged in killing or attempting to kill people in a populated area.”
- DOJ Definition of “mass killings”: 3 or more killings in a single incident
- Another common definition (Congressional Research Service):
  - gunman
  - kills four or more people
  - selects victims randomly (ruling out gang killings or the killing of multiple family members), and
  - attacks in a public place



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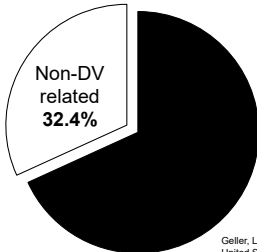
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Using GVA data, a study published May, 2021 by the Educational Fund to Stop Gun Violence and Johns Hopkins University found:

Mass Shootings 2014-2019



- 128 incidents met the definition “four or more gunfire fatalities, not including the perpetrator”
- 17 of those: perpetrator was unknown
- Of the 111 remaining incidents, **67.6% were DV-related (perpetrator had a documented history of domestic violence OR victims included dating partner, spouse, or family member)**

Geller, L.B., Booty, M. & Crifasi, C.K. The role of domestic violence in fatal mass shootings in the United States, 2014–2019. *Inj. Epidemiol.* 8, 38 (2021). <https://doi.org/10.1186/s40621-021-00330-5>

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## WHICH IS WHY...

"We must make **misdemeanors** matter. We must realize that true success is not prosecuting a murderer, it is preventing the murder."

Source: Casey Gwinn, "Making Misdemeanors Matter", 3 Homefront (1998).



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Your Family Violence Homicide Prevention Toolbox includes...

Magistrate's Orders of Emergency Protection  
CCP Art. 17.292

Class C Misdemeanor Family Violence Reporting

24 - 48 hour Holds:  
Family Violence Offenses  
CCP Art. 17.291

Conditions of Bond  
CCP Art. 17.40



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**MAGISTRATE'S ORDERS  
OF EMERGENCY  
PROTECTION  
CCP 17.292**



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### Acronyms AKA Alphabet Soup

- **MOEP**- Magistrates Order of Emergency Protection
- **PO**- Protective Order
- **TEXPO**- Temporary Ex Parte Order
- **TCIC**—Texas Crime Information Center
- **NCIC**—National Crime Information Center
- **NICS**—National Instant Criminal Background Check System
  - checks available records in NCIC, III, and the NICS Index to determine if prospective transferees are disqualified from receiving firearms



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### TYPES OF PROTECTIVE ORDERS IN TEXAS

**Magistrate's Orders of Emergency Protection**  
Tex. Code Crim. Pro. Art. 17.292

**Temporary Ex Parte Protective Orders**  
Tex. Fam. Code § 83

**Protective Orders**  
Tex. Fam. Code §§ 71, 81-82, 84-88; Tex. Code Crim. Pro. Art. 7B



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### Similarities among the types:

- Criminally enforceable
- Available for same types of crimes/behaviors
- Confidentiality protections/procedures
- Notice to protected parties
- Required to be entered into the Texas Crime Information Center by law enforcement agencies
- Required to be entered into the Protective Order Registry by issuing court



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## Magistrate's Orders of Emergency Protection (MOEP)



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## MAGISTRATE'S ORDER OF EMERGENCY PROTECTION

For Suspect: Cooling off period

For Victim: Zone of safety

For Police: Opportunity to protect



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## MAGISTRATE'S ORDER FOR EMERGENCY PROTECTION

TEX. CODE CRIM. PROC. ART. 17.292

- Most common type of protective order issued in Texas
- Only available after an arrest for:
  - Family violence
  - Sexual assault (and some related offenses)\*
  - Stalking\*
  - Trafficking\*
- Mandatory only in FV offenses involving serious injury or deadly weapon
- Tied to places, not people
- Relatively quick and easy process
- Short duration: 31 to 91 days



\*No family or household relationship required



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### WHO CAN REQUEST AN MOEP?

An MOEP can be requested by:

- the victim of the criminal offense;
- a guardian of the victim;
- an attorney representing the state;
- a peace officer; or
- the court.



Tex. Code Crim. Proc. Art. 17.292(a)



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### How can an MOEP help survivors?

An MOEP may prohibit an offender from:

- Committing family violence, sexual assault, stalking or trafficking;
- Threats and harassment;
- Coming within a specific distance of certain locations;
- Possessing a firearm;
- Communication in any manner with victim(s) except through attorney or court appointed person if good cause is shown.



Tex. Code Crim. Proc. Art. 17.292(c)



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### Confidentiality of protected places

Locations required unless magistrate finds address should be omitted for the safety of the protected party or parties.

**CCP Art. 17.294** Upon request, the court may protect the applicant's mailing address by requiring protected person to:

- Disclose mailing address to the court;
- Designate another person to receive any notice or documents related to the order; and
- Disclose the designated person's address to the court

The court can require that the court clerk:

- Redact address from public records of the court, and
- Maintain a confidential record for use **only by the court, or a law enforcement agency** for entry into TCIC.



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## CONFLICTING ORDERS

There are times when an MOEP conflicts with a pre-existing custody order. In these cases:

The LAST order issued controls (TEXPO exception).

Does not stop visitation exchanges; exchanges just cannot be made at protected addresses.



Tex. Code of Crim. Pro. Art. 17.292(f)(2)



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## MODIFICATIONS – CCP17.292 ART. (J)

- Notice and hearing is required
- Notice to all parties
- Moving party must show
  - Unworkable
  - Will not result in greater danger for any protected party
- Bonus Tip: invite a victim advocate to confer with the protected person. Check with PD or prosecutor's office, or call (800) 799-SAFE to find one in your area)



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## PROTECTIVE ORDER REPORTING



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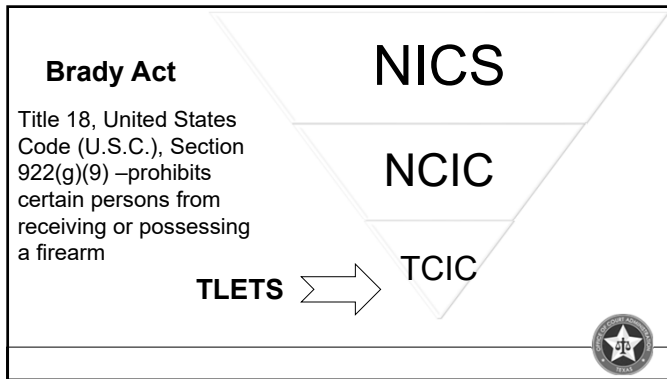
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**NICS ACT RECORD IMPROVEMENT PROGRAM (NARIP)**

Requires states to report all Brady disqualifiers (from purchasing or receiving a firearm) to NICS

Per 18 U.S.C. § 922(g)(1-9), disqualifiers include:

- Felony convictions
- Mental health commitments
- Misdemeanor convictions of domestic violence
- Protective orders against intimate partner or his/her child, i.e. permanent orders, NOT MOEPs

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**Question: Why do we care?**  
**Short Answer: Full Faith And Credit**  
18 USC § 2265; Tex. Fam. Code §§ 88.003, 88.004

- POs from Texas are enforceable in other states
- POs issued in other states are enforceable in Texas

**Long Answer Coming Up...**

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## Firearms Possession

### MOEPs under CCP: Discretionary

Magistrate may forbid an accused from possessing a firearm unless the person is licensed peace officer in full time employment by state agency or political subdivision (CCP art. 17.292 (c)(4))

Except: Mandatory suspension of state handgun license (CCP art. 17.292(i))

### Protective order under FC. 85.026: Mandatory

"It is unlawful for any person, other than a peace officer, as defined by section 1.07, penal code, actively engaged in employment as a sworn, full-time paid employee of a state agency or political subdivision, who is subject to a protective order to possess a firearm or ammunition."



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### Federal Firearms Possession Prohibition

Title 18, United States Code (U.S.C.), Section 922(g)(9)  
Gun Control Act Of 1968 (GCA)

#### Qualifying protective order

- Issued after notice and an opportunity for a hearing;
- Prohibits harassing, stalking, or threatening the accused's:
  - intimate partner, or
  - the intimate partner's child; AND
- Does at least one of the following:
  - contains a finding the accused poses credible threat of physical harm to protected persons, OR
  - prohibits use, attempted use, or threat of physical force capable of inflicting bodily injury to the protected persons



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## FIREARMS POSSESSION PROHIBITION — SUGGESTIONS TO COURTS

Prohibit possession of firearm under CCP Art. 17.292(c)(4)

AND



Warn the defendant orally and in writing that the federal firearms prohibition may apply during the term of the Magistrate's Order.



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### Sending the order

To Law Enforcement for TCIC entry

- The **magistrate shall** send a copy of the order to either Chief of police (if victim resides in municipality), OR Sheriff (if victim resides outside municipality)
- Include completed TCIC data entry form



<https://www.txcourts.gov/media/1450049/protective-order-tcic-data-entry-form.pdf>

- To Victim

The clerk shall send a copy of the order to the victim at the victim's last known address as soon as possible

When? By the end of the following business day

How? May be sent electronically



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### BEST PRACTICES TO IMPROVE TCIC REPORTING:

- Require officers to furnish
  - Probable cause affidavit
  - Criminal history
  - Motion/request for MOEP
  - Copy of police report
  - Completed Protective Order Data Entry form
- Require TCIC form accompany order at time of filing
- Confirm information with complainant, if possible.
- Confirm data sheet information and compare to protective order for accuracy.
- Confirm the order and TCIC form were received.



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Protective orders that cannot be verified will often not be enforced.



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**Q: Do protective orders provide safety?**

For 50% of victims, the PO stopped the violence.

For the other half, violence was significantly reduced.

Weakness — enforcement, especially in rural areas

- Law enforcement difficulties in determining predominant aggressor
- Fewer resources
- Local politics

**A: Yes, if CJ personnel know about them and then actually do something about them**

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**Protective Order Registry**

TGC §§ 72.151 -72.158

**Monica's Law:**

Senate Bill 325

House Bill 629

Monica Deming  
Odessa, TX  
2015



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**Implementation Schedule**

- **Launched September 1, 2020:** Access and training for pilot clerks/courts
- **October 15, 2020:** Mandatory entry within 24 hours for all filed applications and issued protective orders.
- **Since then...**
  - Public access feature enabled for final protective orders.
  - Grant access to law enforcement and prosecution agencies.
  - Conduct training and disseminate awareness information to advocacy groups.
  - Implement 2021 legislative changes.
  - Outreach to courts not yet entering records.
  - Continual adaptation and technical assistance.



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"Some folks look at me and see a certain swagger, which in Texas is called 'walking.'" -George W. Bush

"Texas has yet to learn submission to any oppression, come from what source it may."  
-Sam Houston

"Only Texas could turn defeat into a legend--and a song, and a tourist attraction, and a major motion picture."  
-Rosemary Kent

TxSwagger.com



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### Texas' Decentralized Court System

- 254 Counties
- 2746 Trial Courts with 3116 Judges
- Protective Order Registry Numbers (as of Nov. 4, 2021)
  - Total Applications: 45,542
  - Total Orders: 57,350 (excluding applications)
    - Magistrates' Orders of Emergency Protection: 42,572
    - Temporary Ex Parte Protective Orders: 8,321
    - Protective Orders (final/permanent): 6,457
  - Number of publicly accessible protective order records: 68
  - Number of Counties that have entered orders: 80%



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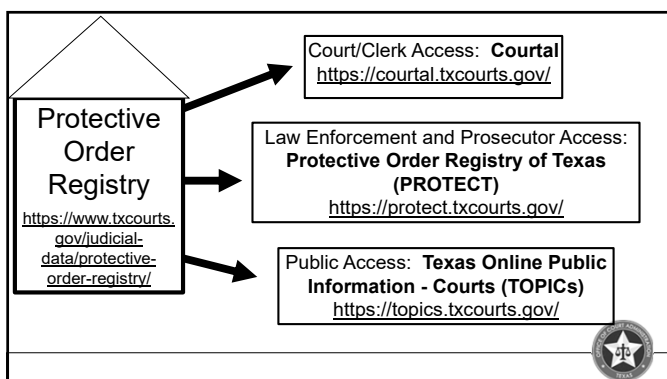
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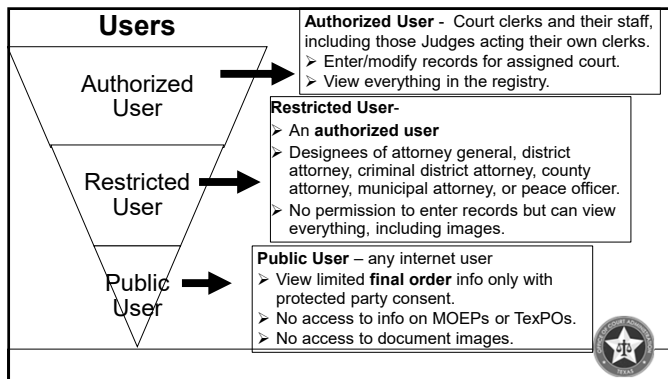
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**PROTECTIVE ORDER REGISTRY: TGC § 72.152<sub>1</sub>**

- Applications\* for a protective order filed under:
  - Chapter 82, FC; or
  - Article 17.292, CCP, arrests for a FV offense;
- Protective orders\* issued under:
  - TFC Chapter 83 (TexPO);
  - TFC Chapter 85 (PO); or
  - Article 17.292, (MOEP)

\*This has been expanded to include all POs and MOEPs pursuant to the CCP 7B, such as:

- sexual assault,
- stalking,
- trafficking,
- indecent assault, and
- bias/prejudice

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**Magistrate's Orders for Emergency Protection**

- CCP 17.292
- Entered by clerks in JP courts, municipal, or any other courts that handle magistration duties
- Within 24 hours**

**Application, TexPO, and Final PO**

- TFC Chapter 82 - Applications for Protective Orders
- TFC Chapter 83 - Temporary Ex Parte Order
- TFC Chapter 85 - Protective Order (Final)
- Entered by county and district clerks, depending on type of court that issues POs.
- Within 24 hours**

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### Important Differences between TCIC and the Protective Order Registry

#### Texas Crime Information Center

- Access:
  - Law enforcement only
- Limited information due to character limits and no image of the order
- Feeds into federal databases NCIC and NICS
- Data entry may occur up to 4 days after is issued

#### Protective Order Registry

- Access:
  - Courts
  - Prosecution
  - Law enforcement
  - Public (extremely limited)
- Includes actual image of order
- Protective Order Registry will NOT replace the use of TCIC
  - A parallel process
  - Web-based



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### Question: Why do we care? Long Answer: Full Faith And Credit

18 USC § 2265; Tex. Fam. Code §§ 88.003, 88.004



- PO may be "inscribed on a tangible medium or may be stored in an electronic or other medium if it is retrievable in a perceivable form," such as images of signed orders.
- Certified copy not required.
- Law enforcement may determine that there is probable cause to believe that a PO exists by relying on any relevant information.

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### Enter orders within 24 hours of Issuance: Yes, even over the weekend.

- Why ? **Safety**
  - PC 25.07: Violation of Certain Court Orders or Conditions of Bond in a Family Violence, Child Abuse or Neglect, Sexual Assault or Abuse, Indecent Assault, Stalking, or Trafficking Cases:
    - CCP 14.03(a)(3): Peace officer may arrest, without a warrant, if probable cause to believe person violated PC 25.07, and it was not committed in the officer's presence.
    - CCP 14.03(b): Peace officer shall arrest if it was committed in the officer's presence.

Bottom Line:  
Cannot arrest if they do not know the order even exists



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### Benefits

- Courts
  - Sentencing decisions
  - MOEP and bond decisions
- Law Enforcement
  - PO available sooner than in TCIC
  - Can see entire order, not just TCIC hit
  - Good faith enforcement after hours
- Investigation/prosecution
  - Both active and expired orders and applications
  - Orders involving prior applicants/witnesses
- Advocates (LEOs/Prosecution)
  - Safety planning
  - History of abuse

#### Helps to:

- Get broader picture of violent history
- Connect the dots
- Contact information for witnesses.



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### Quick Overview:

Application/request is filed:

- Within 24 hours, Court Clerk goes to <https://courtal.txcourts.gov/>, enters email, and receives link to gain access to the registry.
  - Enters basic information, such as cause number, respondent and protected party information, date of application, etc.
  - Uploads PDF of application to the registry

Court issues order:

- Within 24 hours, Court clerk accesses registry using same process
  - Searches registry for the application/request record
  - Adds information about the order, such as type, issue date, expiration date, etc.
  - Uploads PDF of order to the registry



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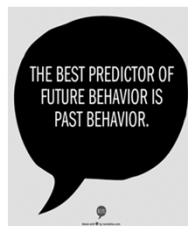
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### Why do expired orders stay in the registry?

#### Safety

- TCIC moves expired orders to archive, so there are extra steps required to locate them
- Violent history relevant to ALL arrest, detention, release, charging, and safety-planning decisions.



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## SEARCHING AS PUBLIC



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### Sec. 72.154. Public Access to PO Registry

- Public can search for **permanent** POs only, by county of issuance, Respondent's name, and/or year of Respondent's birth.
- Public access is NOT available for MOEPs, TexPOs, or images of any applications or orders.

#### Publicly accessible information:

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

Available only with  
express written  
consent by the  
Protected Party



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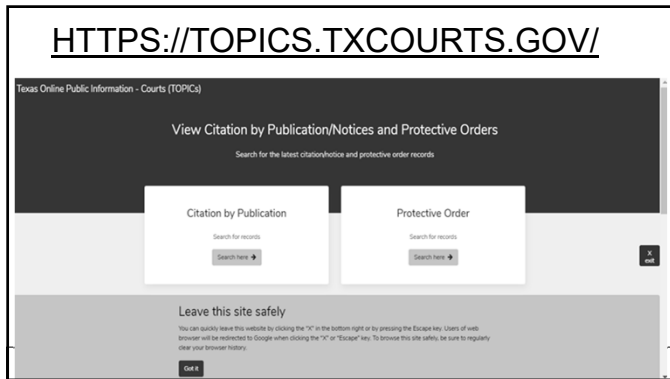
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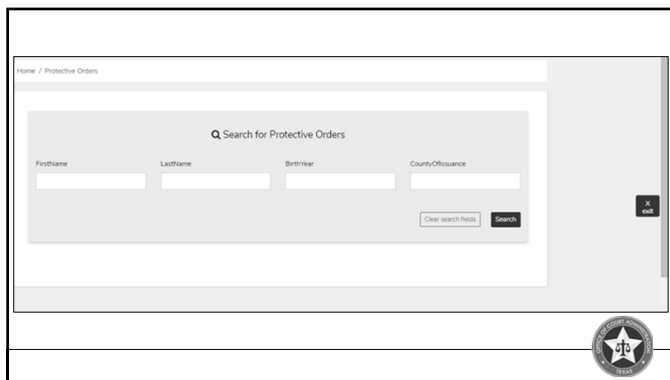
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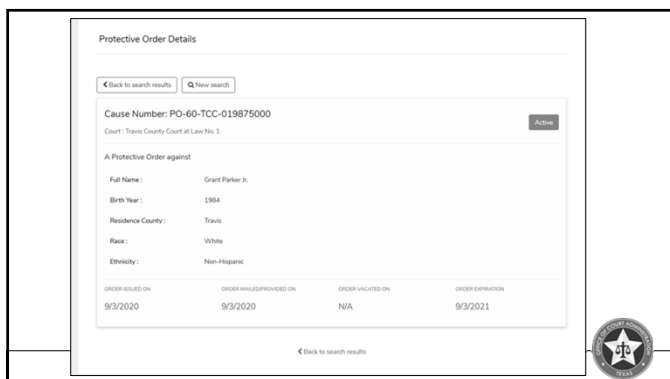
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## TIPS FOR JUDGES

- Notate type of offense on the order, if possible.
- 17.292 CCP: number of days calculates expiration date
  - Minimum is 31 days
  - Maximum is 91 days
- If you do magistration on the weekend, but cannot get the MOEP to your clerk before the 24-hour deadline for data entry:
  - Discuss whether you should be added as a user so that you can do the data entry and meet the deadline.
  - If need more assistance, contact [OCA-LegalSupport@txcourts.gov](mailto:OCA-LegalSupport@txcourts.gov)
- All current procedures for MOEPs, such as sending copies to victims and law enforcement, stays the same.
- System is built to allow edits and corrections.



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## TIPS FOR CLERKS

- Scan/save document as a PDF and save to a file on your computer BEFORE attempting data entry.
- Do not submit photos into the registry
- All current procedures for POs, such as sending info to victims and law enforcement, stays the same.
- System is built to allow edits and corrections.
- Protected party information that you enter, including minors, NEVER goes to the public site.



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## 2021 Legislative Changes to PO Registry

HB 3774, Article 13 amended Sections 72.151 – 72.158 Gov't Code:

- Specifically include MOEPs and POs issued under CCP Chapter 7B for sexual assault or abuse, stalking, trafficking, or bias/prejudice.
- Remove vacated orders from the public access website, if protected party had given consent to publish.
- Orders OCA to entirely remove orders that are vacated as "the result of an appeal or bill of review from a district or county court."
  - Orders that have been deemed legally invalid
  - OCA has 3 days to remove once notice is received from court clerk



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### Benefits

- Courts
  - Sentencing decisions
  - MOEP and bond decisions
- Law Enforcement
  - PO available sooner than in TCIC
  - Can see entire order, not just TCIC hit
  - Good faith enforcement after hours
- Investigation/prosecution
  - Active and expired orders and applications
  - Orders involving prior applicants/witnesses
  - Contact information
- Advocates
  - Safety planning
  - History of abuse

As Authorized users, clerks can:

- Enter applications and orders (MOEPs)
- Search the entire registry so the judge can have relevant info.



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## ENTERING AND EDITING MOEPS

<https://courtal.txcourts.gov/>



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New: PROTECT Portal for law enforcement and prosecutors' offices

- TCIC moves expired orders to archive, so there are extra steps required to locate them.
- PROTECT shows expired orders because a violent history is relevant to ALL arrest, detention, release, charging, and safety-planning decisions.

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[HTTPS://PROTECT.TXCOURTS.GOV/](https://protect.txcourts.gov/)

SEARCHING AS RESTRICTED USER  
(peace officer or prosecutor)



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SEARCHING AS  
PUBLIC



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#### Publicly accessible information:

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

Available only with  
express written  
consent by the  
Protected Party



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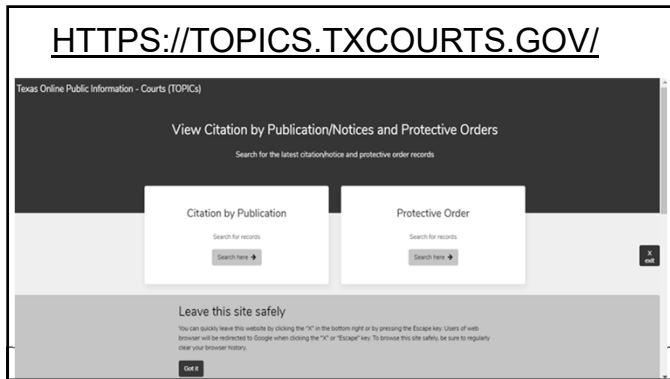
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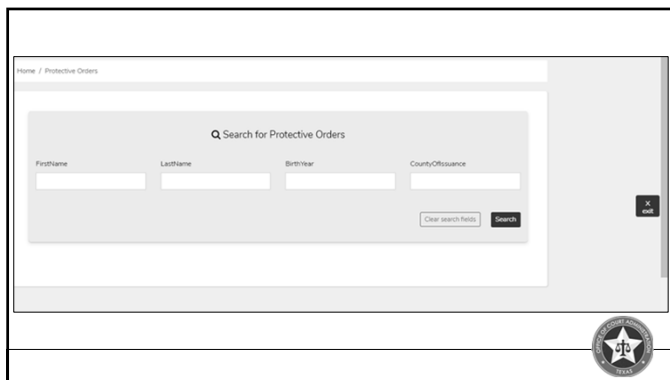
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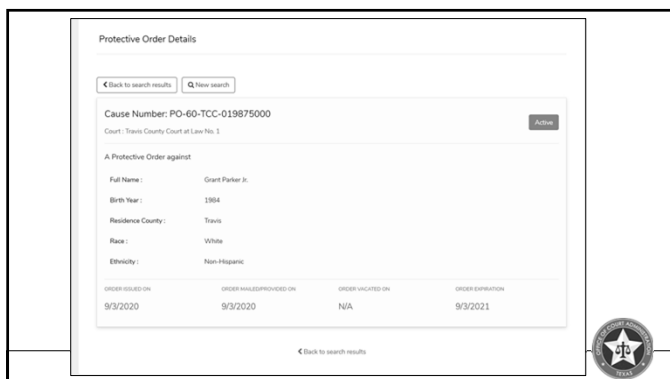
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### For More Information:

<https://www.txcourts.gov/judicial-data/protective-order-registry/>

FAQs: <https://www.txcourts.gov/judicial-data/protective-order-registry/authorized-user-information-instructions/faq/>

On-demand webinar video:

[https://txcourts.zoom.us/rec/share/bEv7OBl-X37DT4KvrsYGFqaEs8\\_vWie950qsuQfnGT9RYM12YUTupmdddWHyl11c.nlg1fTMWmkUp5aj](https://txcourts.zoom.us/rec/share/bEv7OBl-X37DT4KvrsYGFqaEs8_vWie950qsuQfnGT9RYM12YUTupmdddWHyl11c.nlg1fTMWmkUp5aj)

For other questions or assistance related to the Protective Order Registry, please contact:

**OCA-LegalSupport@txcourts.gov**



Be on the lookout for periodic updates and more training opportunities via email and the OCA website!



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### Bond Conditions for Safety

**Advantage of putting safety conditions in the bond as well as the Magistrate's Order?**

Magistrate's' Order lasts 31-91 days (CCP 17.292 (j))

Bond conditions last until changed by order or until case disposition.



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**Problem:** Officers often had no way to discover or verify bond conditions or other court orders.

**Bottom Line:** Cannot arrest if they do not know the order even exists.



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### HB 766: Entry Into Texas Crime Information Center Of Certain Information In Cases Involving Violent Offenses

Adds Article 17.50 to CCP to require magistrate courts/clerks to send bond condition info to the protected party and sheriff for entry into TCIC for "violent offenses."

To Sheriff within 1 business day:

- Same info as required for entering a protective order pursuant to § 411.042(b)(6), Government Code, i.e.
  - Name and address of protected person and/or victim of offense,
  - Date order of release was issued,
  - Issuing court.

Includes when bond is revoked, conditions are modified or removed, or disposition of underlying charge.

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### " Violent Offense" per HB 766

- PC § 19.02 (murder);
- PC § 19.03 (capital murder);
- PC § 20.03 (kidnapping);
- PC § 20.04 (aggravated kidnapping)
- PC § 21.11 (indecency with a child);
- PC § 22.011 (sexual assault);
- PC § 22.02 (aggravated assault);
- PC § 22.021 (aggravated sexual assault);
- PC § 22.04 (injury to a child, elderly individual, or disabled individual);
- PC § 29.03 (aggravated robbery);
- PC § 21.02 (continuous sexual abuse of young child or children);
- PC § 20A.03 (continuous trafficking of persons); or
- Family violence offense, as defined by § 71.004, Family Code.



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### Protected party also receives notice:

Within 1 business day of issuance:

- Clerk of the court sends copy of order to:
  - named person the condition of bond is intended to protect, and
  - if different and applicable, the victim of the alleged offense at the person's last known address.

Within 1 business day of receiving the order:

- Sheriff must make a good faith effort to notify by telephone:
  - any named person the condition of bond is intended to protect, and
  - if different and applicable, the victim of the alleged offense that the defendant to whom the order is directed has been released on bond.



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## HB 766 Effective Dates

DPS by 12/31/21

- Modify TCIC to enable acceptance of the bond information – this has already been done.
- Develop and adopt a form for use by magistrates and sheriffs to facilitate the data collection and data entry.

Magistrate Courts and Sheriffs begin entry by 1/1/22



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## Another Tool: CCP Art. 17.291. Further Detention Of Certain Persons.

(b) If probable cause to believe the violence will continue if the person is immediately released:

- Head of arresting agency may hold person up to 4 hours after bond has been posted;
- Magistrate can, in writing:
  - Place up to a 24-hour hold from time bond is posted if determine that violence will continue; and
  - Can place up to 48-hour hold if also determine that probable cause to believe person committed this offense and has been arrested in the previous 10 years two or more times for family violence or one time for any other offense involving a deadly weapon;



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P 2 B 2 B - 2 P Ø

**Do nothing and  
you may as well  
lend a hand.**



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