

Magistrate's Order for Emergency Protection Cover Sheet

The attached Magistrate's Order for Emergency Protection, has been requested by:

Requester:

Name: _____
Address: _____ City _____ Zip Code _____
Phone: Home _____ Work _____

Victim (if different from requester):

Name: _____
Address: _____ City _____ Zip Code _____
Phone: Home _____ Work _____

To Police Officers:

1. Was a deadly weapon USED or DISPLAYED during the commission of the offense?
YES **NO** (circle one)
2. Was the suspect arrested at the time of request?
YES **NO** (circle one)
 - If yes, place the original Order with the signed complaint in the jail so that the Judge can execute the Order.
 - If no, and the suspect's arrest is pending upon the completion of an investigation and the issuance of a warrant, then place the Original with the Original complaint for forwarding to CID-Persons where it will be attached to the warrant control form after the warrant is obtained.

To Confinement Officers:

Upon Service of this Order to the defendant, the Original Order shall be returned to the issuing magistrate **AFTER** placing one copy in the Crime Victim Liaison's mailbox and one copy in the Communication Office.

NOTICE: ALL REQUESTS MUST HAVE A COMPLETED TCIC ENTRY FORM ATTACHED WHEN FILED.

APPLICATION FOR MAGISTRATE'S ORDER FOR EMERGENCY PROTECTION

I certify that I am (check and complete one of the following):

- () The victim of an offense involving family violence as defined in Section 71.004 of the Family Code, Section 22.011, or 22.021 of the Penal Code, or harassment by stalking, for which the **Respondent**, _____, has been arrested;
- () The guardian of a victim of an offense involving family violence or Section 22.011, or 22.021 of the Penal Code, or harassment by stalking, for which the **Respondent**, _____ has been arrested;
- () A Peace Officer;
- () An Attorney representing the State of Texas;
- () A Magistrate

I am requesting that a Magistrate's Order for Emergency Protection be issued against the above-named Respondent, in open court, and that the order include such conditions as may be authorized by Article 17.292, Code of Criminal Procedure. I understand that:

1. That this order is issued for no less than 31 days, nor more than 61 days; and that this order shall be in force no longer than 61 days; OR
2. that **IF** a deadly weapon was **used** or **exhibited** during the commission of the offense, this order shall be issued for no less than 61 days, nor more than 91 days, AND that this order shall be in force no longer than 91 days; AND,
3. that this order shall supersede any existing court order granting possession of or access to a child to the degree that a condition of this order conflicts with the existing order; AND,
4. that the victim in this offense is eligible to apply for a Protective Order through Lone Star Legal Aid of Central Texas (1-888-674-4529 or 1-254-939-7032), and that the victim needs to apply for this protective order **as soon as possible or at least 21 days PRIOR** to the expiration of this Magistrate's Order of Emergency Protection.

Date requested: _____

Applicant's signature

Printed Name/Agency Name: _____

Address: _____

No. _____

THE STATE OF TEXAS

VS

RESPONDENT

*
*
*
*
*

IN THE JUSTICE COURT

OF BELL COUNTY, TEXAS

PRECINCT _____, PLACE _____

MAGISTRATE'S ORDER FOR EMERGENCY PROTECTION

On this date, pursuant to Article 17.292 of the Texas Code of Criminal Procedure, the Court:

- ☐ on the request of _____, a person with standing to make such a request as provided under Article 17.292 of the Code of Criminal Procedure,
- ☐ as a matter of law, after the Court's finding that the Respondent has been arrested for an offense that also involves:
 - ☐ serious bodily injury to the victim; or
 - ☐ the use or exhibition of a deadly weapon during the commission of the assault,
- ☐ on its own motion,

heard an application for a Magistrate's Order for Emergency Protection.

The Respondent _____, is this date served a copy of this Order in open court.

The Court finds that the Respondent has appeared before this Court after an arrest of Respondent for an offense:

- ☐ under Section 71.0021, Family Code, involving family violence or dating violence
- ☐ under Section 22.011 or 22.021, Penal Code
- ☐ under Section 42.072, Penal Code, involving harassment by stalking,

and further finds that this Court has jurisdiction to issue this order.

IT IS THEREFORE ORDERED that an Order for Emergency Protection be issued on behalf of the following person(s): _____ and that the **Respondent** be and is hereby **prohibited** from (mark all conditions that apply):

- ☐ Committing an act of family violence as defined by Section 71.004 of the Texas Family Code;
- ☐ Committing an assault against any individual protected by this Order;
- ☐ Committing an act in furtherance of an offense under Section 42.072, Penal Code, involving harassment by stalking;
- ☐ Communicating directly with a member of the family or household or with any individual protected under this Order in a threatening or harassing manner;
- ☐ Communicating a threat through any person to a member of the family or household or with any individual protected under this Order;
- ☐ Going within _____ feet of the residence of a member of the family or household, or any individual protected under this Order located at _____, _____ County, Texas;
- ☐ Going within _____ feet of the place of employment or business of a member of the family or household or of any individual protected under this Order located at _____, _____ County, Texas;
- ☐ Going within _____ feet of the residence located at _____, _____ County, Texas, where a child protected by this Order resides;
- ☐ Going within _____ feet of the school or child care facility located at _____, _____ County, Texas, where a child protected by this Order is attending;
- ☐ Possessing a firearm;
- ☐ This Court also finds that the Respondent is hereby prohibited from going within one thousand (1000) feet of any location at which the protected individual, member of the family or household, and/or child protected by this Order may reside, temporarily or permanently (and the Court further finds that said location shall not be specifically described herein for the safety of any individual protected by this Order).

IT IS ORDERED that the Clerk of the Court shall send a copy of this Order to the:

☐ Chief of Police in the municipality where the member of the family or household or individual protected by this Order resides;

☐ Sheriff or Constable of the county where the member of the family or household or individual protected resides;

☐ Principal, director, or person in charge of the school or childcare facility attended by a individual protected by this Order and named herein;

☐ Applicant (Victim/Protected Individual)

IT IS ORDERED that a law enforcement officer shall make a good faith effort to notify, within 24 hours, the victim that this Order has been issued by calling the victim's residence and/or place of employment.

SUSPENSION OF CONCEALED HANDGUN LICENSE

IT IS ORDERED that the license to carry a concealed handgun of _____, Respondent, is suspended for the duration of this Order. A copy of this Order shall be forwarded to the Concealed Handgun Licensing Unit, Department of Public Safety, P.O. Box 4143, Austin, Texas, 78765-4143. On receipt of this Order suspending the license to carry a concealed handgun, the department shall record suspension of the license, report the suspension to the local law enforcement agencies, as appropriate, and demand the surrender of the suspended license from the license holder.

This Order shall remain in full force and in effect up to the 61st day, but not less than 31 days after the date of issuance. If a **deadly weapon** was **USED** or **EXHIBITED** during the commission of the offense, this Order shall remain in full force and effect up to the 91st day, but not less than 61 days after the date of issuance.

THIS ORDER IS IN FULL FORCE AND EFFECT UNLESS A COURT MODIFIES THE ORDER.

Signed this the _____ day of _____, 20____.

JUDGE PRESIDING

DURATION OF ORDER:

START DATE:_____

END DATE:_____

WARNINGS

A VIOLATION OF THIS ORDER BY COMMISSION OF AN ACT PROHIBITED BY THE ORDER MAY BE PUNISHABLE BY A FINE OF AS MUCH AS \$4,000.00 OR BY CONFINEMENT IN JAIL FOR AS LONG AS ONE YEAR, OR BOTH.

AN ACT THAT RESULTS IN FAMILY VIOLENCE MAY BE PROSECUTED AS A SEPARATE MISDEMEANOR OR FELONY OFFENSE. IF THE ACT IS PROSECUTED AS A SEPARATE FELONY OFFENSE, IT IS PUNISHABLE BY CONFINEMENT IN PRISON FOR AT LEAST TWO YEARS.

IT IS UNLAWFUL FOR ANY PERSON WHO IS SUBJECT TO A PROTECTIVE ORDER TO KNOWINGLY PURCHASE, RENT, LEASE, OR RECEIVE AS A LOAN OR A GIFT FROM ANOTHER, A HANDGUN FOR THE DURATION OF THIS ORDER (SECTION 46.06, PENAL CODE).

POSSESSION OF A FIREARM BY A PERSON, OTHER THAN A PEACE OFFICER, AS DEFINED BY SECTION 1.07 OF THE TEXAS PENAL CODE, ACTIVELY ENGAGED IN EMPLOYMENT AS A SWORN, FULL-TIME, PAID EMPLOYEE OF A STATE AGENCY OR POLITICAL SUBDIVISION, WHO IS SUBJECT TO THIS ORDER, MAY BE PROSECUTED AS A SEPARATE OFFENSE PUNISHABLE BY CONFINEMENT OR IMPRISONMENT.

NO PERSON, INCLUDING A PERSON WHO IS PROTECTED BY THIS ORDER, MAY GIVE PERMISSION TO ANYONE TO IGNORE OR VIOLATE ANY PROVISION OF THIS ORDER. DURING THE TIME IN WHICH THIS ORDER IS VALID, EVERY PROVISION OF THIS ORDER IS IN FULL FORCE AND EFFECT UNLESS A COURT CHANGES THE ORDER.

THIS ORDER IS ENFORCEABLE IN ALL FIFTY STATES, THE DISTRICT OF COLUMBIA, TRIBAL LANDS AND U.S. TERRITORIES (18 U.S.C. 2265).

INTERSTATE VIOLATION OF THIS ORDER MAY SUBJECT THE RESPONDENT TO FEDERAL CRIMINAL PENALTIES (18 U.S.C. 2261 AND 2262).

POSSESSION, TRANSPORTATION, OR RECEIPT OF A FIREARM WHILE THIS ORDER REMAINS IN EFFECT MAY BE A FELONY UNDER FEDERAL LAW, PUNISHABLE BY UP TO TEN YEARS IN PRISON AND/OR FINE.

IT IS UNLAWFUL FOR ANY PERSON WHO IS SUBJECT TO A PROTECTIVE ORDER TO POSSESS A FIREARM OR AMMUNITION (18 U.S.C. 922(G) (8)).

RESPONDENT'S ACKNOWLEDGMENT OF RECEIPT OF ORDER

I, _____, the Respondent in this case received a copy of the Magistrate's Order for Emergency Protection in open court on the ____ day of _____, 20____.

Respondent

STATEMENT OF SERVICE

I, the undersigned, hereby state that I gave a copy of the Magistrate's Order for Emergency Protection attached hereto to the Respondent named above at _____ a.m./p.m. on the _____ day of _____, 20____.

Name

Title

PROTECTIVE ORDERS

Data Entry Form for TEXAS CRIME INFORMATION CENTER (TCIC)

The intent of this form is to aid court clerks with the collecting and providing to local law enforcement agencies pertinent information regarding protective orders for the purpose of entry into TCIC.

To be filled out by Criminal Justice/Law Enforcement Official:

ORI: _____ **(check one) PROTECTIVE ORDER:** _____ **EMERGENCY PROTECTIVE ORDER:** _____

OCA: _____ **PROTECTIVE ORDER NO:** _____ **COURT IDENTIFIER:** _____

ISSUE DATE: _____ **DATE OF EXPIRATION:** _____ **DATE OF DISMISSAL:** _____

***** RESPONDENT INFORMATION *****

Items in ALL UPPERCASE LETTERS must be answered to allow entry into TCIC.

NAME OF RESPONDENT: _____ **SEX:** (circle one) M F

RACE: (circle one) Indian Asian Black White Unknown **Ethnicity:** (circle one) Hispanic Non-Hispanic Unknown

Place of Birth: _____ **County:** _____ **DATE of BIRTH:** _____ **HEIGHT:** _____ **WEIGHT:** _____

Skin: (circle one) Albino Black Dark Dk Brown Fair Light Lt Brown Med Brown Olive Ruddy Sallow Yellow Unknown

EYE COLOR: (circle one) Black Blue Brown Gray Green Hazel Maroon Pink Multi-Colored Unknown

HAIR COLOR: (circle one) Black Blond Brown Gray Red White Sandy Bald Unknown

Scars, Marks and/or Tattoos: (please describe in detail) _____

Caution and Medical Conditions:(circle all that apply) 00 – Armed and Dangerous 05-Violent Tendencies 10-Martial Arts Expert 15-Explosive Expertise 20-Known to abuse drugs 25-Escape risk 30-Sexually violent predator 50-Heart condition 55-Alcoholic 60-Allergies 65-Epilepsy 70-Suicidal 80-Medication Required 85-Hemophiliac 90-Diabetic 01-Other

PROTECTIVE ORDER CONDITIONS (PCO): (circle all that apply)

01—Respondent is restrained from assaulting, threatening, abusing, harassing, following, interfering with or stalking the protected person and/or child of the protected person.

02—Respondent may not threaten a member of the protected person's family/household.

03—The Protected Person is granted exclusive possession of the residence/household.

04—Respondent is required to stay away from the residence, property, school or place of employment of the protected person or other family or household member.

05—Respondent is restrained from making any communication with the protected person including, but not limited to, personal, written, or phone contact, or their employers, employees or fellow workers, or other whom the communication would be likely to cause annoyance or alarm.

06—Protected Person is awarded temporary custody of the children named.

07—Respondent is prohibited from possessing and/or purchasing a firearm or other weapon.

08—See miscellaneous field for comments regards terms and conditions of the protection order.

BRADY RECORD INDICATOR (BRD): N—Respondent is NOT disqualified Y—Respondent is disqualified U--Unknown

RELATIONSHIP TO PROTECTED PERSON: _____

(PLEASE INCLUDE THE FOLLOWING NUMERIC IDENTIFIERS, IF AVAILABLE):

Texas I.D. No: _____ **Misc I.D. No:** _____ **SSN:** _____

Driver's License No: _____ **Driver's License State:** _____ **Expiration Date:** _____

Respondent's Address:

STREET: _____ **CITY:** _____ **STATE:** _____ **ZIP:** _____ **COUNTY:** _____

RESPONDENT'S NAME: _____

Respondent's Vehicle Information:

License Plate No: _____ L.P. State: _____ L.P. Year Of Expiration: _____ L.P. Type: _____

Vehicle I.D. #: _____ Year: _____ Make: _____ Model: _____ Style: _____ Color: _____

***** PROTECTED PERSON INFORMATION *****

NAME OF PROTECTED PERSON: _____ SEX: (circle one) M F

RACE: (circle one) Indian Asian Black White Unknown Ethnicity: (circle one) Hispanic Non-Hispanic Unknown

DATE OF BIRTH: _____ SOCIAL SECURITY NO. _____

Street: _____ City: _____ State: _____ Zip: _____ COUNTY: _____

Protected Person Employment Information: (use additional pages if necessary)

Place of Employment Name: _____

Address: _____ City: _____ State: _____ Zip: _____

Place of Employment Name: _____

Address: _____ City: _____ State: _____ Zip: _____

***** PROTECTED CHILD INFORMATION *****

(Use additional pages if necessary)

Name of Protected Child: _____ Sex: (circle one) M F

Address of Protected Child: _____

Race: (circle one) Indian Asian Black White Unknown Ethnicity: (circle one) Hispanic Non-Hispanic Unknown

Date of Birth: _____ Child Care or School Facility Name: _____

Address: _____ City: _____ State: _____ Zip: _____

Name of Protected Child: _____ Sex: (circle one) M F

Address of Protected Child: _____

Race: (circle one) Indian Asian Black White Unknown Ethnicity: (circle one) Hispanic Non-Hispanic Unknown

Date of Birth: _____ Child Care or School Facility Name: _____

Address: _____ City: _____ State: _____ Zip: _____

Name of Protected Child: _____ Sex: (circle one) M F

Address of Protected Child: _____

Race: (circle one) Indian Asian Black White Unknown Ethnicity: (circle one) Hispanic Non-Hispanic Unknown

Date of Birth: _____ Child Care or School Facility Name: _____

Address: _____ City: _____ State: _____ Zip: _____

To be filled out by Criminal Justice/Law Enforcement Official:

SID #: _____ FBI #: _____ FPC: _____ MNU: _____

TEXAS DEPARTMENT OF PUBLIC SAFETY (JANUARY 1996) REVISED: APRIL 2007