

BILL SUMMARY
1st Session of the 58th Legislature

Bill No.:	HB 1028
Version:	Proposed Committee Substitute
Request Number:	7520
Author:	Rep. Kerbs
Date:	2/15/2021
Impact:	\$0

Research Analysis

The proposed committee substitute to HB 1028 provides that a peace officer making a preliminary investigation make every attempt to serve the subject of an emergency ex parte order or emergency temporary order and complete a return of service when filing the petition with the court. If unable to obtain service, the petition is to be file with the district court the next business day. The court clerk is to review the petition upon delivery to ensure all documents are accounted for and make sure a return of service is properly attached to the petition. The clerk is to document the hearing date and time assigned to the case. If service has not been obtained, the clerk must still file the petition and issue it to the appropriate sheriff to obtain service with priority. The measure provides that an emergency temporary order is to be effective until the date of the hearing set by the judge. The peace officer requesting the order is to be notified by the judge of the date, time and location of the hearing and the peace officer is to provide the victim and defendant with a copy of the completed order.

Prepared By: Brad Wolgamott

Fiscal Analysis

The proposed committee substitute amends the process for the service of victim protective orders.

Upon review and with consultation from the Administrative Office of the Courts, no direct impact to state revenues or expenditures is anticipated from passage of the measure.

Prepared By: Clayton Mayfield

Other Considerations

None.