

NO _____

_____, APPLICANT

IN THE _____ COURT

VS.

PRECINCT _____

_____, RESPONDENT

GALVESTON COUNTY, TEXAS

REQUEST FOR MAGISTRATE'S EMERGENCY PROTECTIVE ORDER

On this _____ day of _____, 2014, _____, APPLICANT, files his/her request for this Court to issue a Magistrate's Emergency Protective Order for the benefit and protection of the following named persons:

Applicant's name

Relationship to Respondent

Applicant's name

Relationship to Respondent

Applicant's name

Relationship to Respondent

Applicant's name

Relationship to Respondent

Applicant alleges that _____, Respondent, has been arrested for an offense involving family violence or an offense under Section 42.072, Penal Code (e.g., stalking) against the person(s) named above.

[add the following, if applicable] Applicant further alleges that the arrest was 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 an assault.

Applicant requests the Court to grant protection by prohibiting Respondent from:

- (a) Committing family violence or an assault on _____;
- (b) Committing an act in furtherance of an offense under Section 42.072, Penal Code; (e.g., stalking);

(c) Communicating directly with _____ or with a member of _____'s family or household in a threatening or harassing manner;

(d) Going within 200 yards of _____'s residence at _____ or the residence of members of _____'s family or household at _____;

(e) Going within 200 yards of _____'s school at _____;

(f) Going within 200 yards of _____'s child care at _____;

APPLICANT

DATE

NO. _____

_____, APPLICANT

IN THE _____ COURT

VS.

PRECINCT _____

_____, DEFENDANT

GALVESTON COUNTY, TEXAS

MAGISTRATE'S EMERGENCY PROTECTIVE ORDER

On the _____ day of _____, 2_____, the Court determined that the statutory requirements have been satisfied to invoke the Court's authority under Art. 17.292, Texas Code of Criminal Procedure, to issue this Magistrate's Emergency Protective Order against _____ (herein "Defendant"), and there is good cause to issue this Order based on the following findings.

FINDINGS

The Court finds that on _____, 2_____, Defendant was arrested by _____, a duly-authorized Peace Officer, for the offense(s) of: _____

- { } an offense involving "family violence" as defined in Chapter 71, Texas Family Code, or
- { } an offense under Section 42.072, Texas Penal Code (Stalking).

The Court also finds that the arrest was for an offense involving:

- { } serious bodily injury to the victim, or
- { } the use or exhibition of a deadly weapon during the commission of an assault.

The Court further finds that:

- { } request was properly made for a Magistrate's Emergency Protective Order.
- { } confidentiality of addresses and specific descriptions of locations is necessary for the safety of the persons protected by this order.

ORDERS

IT IS ORDERED by this Court, pursuant to Article 17.292, Texas Code of Criminal Procedure, that _____, Defendant is prohibited from:

Committing family violence or an assault on _____;

Committing an act in furtherance of an offense under Section 42.072, Texas Penal Code; (Stalking);

Communicating directly with _____ or with a member of his/her family or household in a threatening or harassing manner;

Communicating a threat through any person to _____ or to a member of his/her family or household;

Going within 200 yards of _____'s residence at _____ or the residence of members of _____'s family or household;

Going within 200 yards of _____'s place of employment, or business at _____ or the place of employment, or business of members of _____'s family or household;

Going within 200 yards of _____'s school at _____.

Going within 200 yards of _____'s child care facility at _____.

Possessing a firearm, unless Defendant is a peace officer, as defined by Section 1.07, Texas Penal Code, actively engaged in employment as a sworn full-time paid employee of a State agency or political subdivision.

IT IS FURTHER ORDERED that Defendant, _____'s license to carry a concealed handgun issued under Section 411.177, Government Code, if Defendant has such a license, is hereby suspended.

IT IS FURTHER ORDERED that the Defendant shall be served a copy of this Protective Order in open court at the time it signed and that said Protective Order shall be in full force and effect on issuance.

{ } If Victim is not present when Order is issued:

IT IS FURTHER ORDERED THAT THE LAW ENFORCEMENT AGENCY IN WHOSE CUSTODY Defendant is held at the time of issuance of this Order shall make a good faith effort to notify, within 24 hours, the victim named in this Order that this Order has been issued by calling the victim's residence and place of employment.

{ } This Order was read to Defendant and a copy was given to Defendant in open court at the time it was issued.

IT IS FURTHER ORDERED that copies of this Protective Order shall be sent immediately to the Chief of the _____ Police Department, the Sheriff of _____ County, Texas, the Constable of Precinct No. _____, the Victim of the offense, _____, and _____'s school or child care facility.

WARNING

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 OR BY CONFINEMENT IN JAIL FOR AS LONG AS ONE YEAR OR BY BOTH. AN ACT THAT RESULTS IN FAMILY VIOLENCE OR A STALKING OFFENSE 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.

THE POSSESSION OF A FIREARM BY A 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 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.

ALL SAID, MAGISTRATE'S EMERGENCY PROTECTIVE ORDER IS SIGNED AND ENTERED AND TAKES EFFECT this the _____ day of _____, 2____, and remains in effect until the _____ day of _____, 2____. [61st day after issuance].

JUDGE PRESIDING

NO. _____

_____, APPLICANT

IN THE _____ COURT

VS.

PRECINCT _____

_____, DEFENDANT

GALVESTON COUNTY, TEXAS

RECEIPT ACKNOWLEDGEMENT

I, _____, hereby acknowledge that I have received a copy of this Protective Order in open Court at the hearing in this matter pursuant to 17.292, Texas Code of Criminal Procedure.

DEFENDANT

I, _____, Officer of said Court of Galveston County, Texas, delivered a copy of this Protective Order to _____ on this the _____ day of _____, _____.

OFFICER OF COURT