

MAGISTRATE'S ORDER FOR EMERGENCY PROTECTION

On _____, 20____, the Court determined that the statutory requirements have been satisfied to invoke the Court's authority under Art. 17.292(b), 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 _____, 20____, Defendant was arrested by _____ a duly-authorized Peace Officer, for the offense of:

- "family violence" as defined in Chapter 71, Texas Family Code
- an act in furtherance of an offense under Section 42.072, Texas Penal Code.(stalking)
- The Court finds confidentiality of addresses is necessary for the protection of the persons protected by this order.

A VIOLATION OF THIS ORDER BY COMMISSION OF AN ACT PROHIBITED BY THE ORDER MAY BE PUNISHABLE BY A FINE OF AS MUCH AS \$4000.00 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 PROVISIONS 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"

ORDER

It is ORDERED that Defendant is hereby prohibited from:

- committing family violence as defined in Section 71.01, Texas Family Code, against _____; AND/OR
- committing an act in furtherance of an offense under Section 42.072, Texas Penal Code, ("stalking") against _____;AND/OR
- communicating
 - directly with a member of the family or household (including without limitation persons named above) in a threatening or harassing manner; AND/OR
 - a threat through any person to a member of the family or household (including without limitation any person named above); AND/OR

- going within _____ of:
- any residence, place of employment, or business of a member of the family or or household (including without limitation _____),
OR
- any residence, child care facility, or school where a child protected under this Order resides or attends including without limitation _____, OR
- Possessing a firearm, unless Defendant is 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.

IT IS FURTHER ORDERED that Defendant be served a copy of this order in open court at the time it is signed and read to Defendant, and that said order SHALL BE IN FULL FORCE AND TAKE EFFECT when served upon Defendant; and

IT IS FURTHER ORDERED that copies of this Order shall be sent immediately to the following by the agency now holding Defendant:

- Chief of Police of _____.
- Sheriff of _____.
- Constable of _____.
- Victim _____.
- School _____.
- Day Care Facility _____.

(IF VICTIM IS NOT PRESENT WHEN ORDER IS ISSUED):

IT IS 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 is signed.

THIS ORDER IS EFFECTIVE IMMEDIATELY AND REMAINS IN EFFECT THROUGH AND INCLUDING _____.(up to 61 days, but not less than 31 days from issuance.)

This Order is signed and entered on _____, 20_____.

Magistrate
_____ Court, Galveston County, Texas

(OPTIONAL)
ACKNOWLEDGMENT OF SERVICE OF ORDER FOR EMERGENCY PROTECTION

Defendant acknowledges receiving a copy of this Order and it was read to him/her in open Court.

Defendant

Date