

NO. \_\_\_\_\_

THE STATE OF TEXAS

§  
§  
§  
§  
§  
§  
§  
§  
§

IN THE \_\_\_\_\_ COURT

VS.

OF

\_\_\_\_\_  
Defendant

\_\_\_\_\_ COUNTY, TEXAS

MAGISTRATE’S ORDER FOR EMERGENCY PROTECTION

On this day, Defendant, \_\_\_\_\_, appeared before the Court after arrest for an offense involving:

- \_\_\_\_\_ family violence
- \_\_\_\_\_ stalking under Section 42.072 of the Texas Penal Code.

The Court considered entering a Magistrates Order for Emergency Protection pursuant to Art. 17.292 of the Texas Code of Criminal Procedure:

- \_\_\_\_\_ on its own motion;
- \_\_\_\_\_ at the request of the:
  - \_\_\_\_\_ victim, \_\_\_\_\_;
  - \_\_\_\_\_ guardian of the victim, \_\_\_\_\_;
  - \_\_\_\_\_ peace officer, \_\_\_\_\_; or
  - \_\_\_\_\_ attorney representing the State, \_\_\_\_\_; or
- \_\_\_\_\_ as a matter of law after the Court’s finding that the Defendant has been arrested for an offense that also involves:
  - \_\_\_\_\_ serious bodily injury to the victim;
  - \_\_\_\_\_ the use of exhibition of a deadly weapon during the commission of an assault.

Protected Person(s):

Based on the information presented, this Court enters this Order for Emergency Protection on behalf of the following persons: \_\_\_\_\_.

Prohibited Acts:

IT IS HEREBY ORDERED that effective immediately Defendant (date of birth: \_\_\_\_\_, driver's license no. \_\_\_\_\_) is prohibited from:

- \_\_\_\_\_ committing family violence or an assault on the person protected under the order;
- \_\_\_\_\_ an act in furtherance of an offense under Section 42.072, Penal Code (stalking);
- \_\_\_\_\_ communicating directly with a member of the family or household or with the person(s) protected under the order in a threatening or harassing manner;
- \_\_\_\_\_ communicating a threat through any person to a member of the family or household or to the person protected under the order;
- \_\_\_\_\_ going within \_\_\_\_\_(specify minimum distance) of the residence, \_\_\_\_\_ (put address here unless requesting confidentiality), place of employment, \_\_\_\_\_ (put address here unless requesting confidentiality), or business, \_\_\_\_\_(put address here unless requesting confidentiality), of a member of the family or household or of the person protected under the order;
- \_\_\_\_\_ going within \_\_\_\_\_(specify minimum distance) the residence, \_\_\_\_\_(put address here unless requesting confidentiality), child care facility, \_\_\_\_\_(put address here unless requesting confidentiality), or school, \_\_\_\_\_(put address here unless requesting confidentiality), where a child protected under the order resides or attends.

Confidentiality of Addresses:

\_\_\_\_\_ Based on the facts presented, the Court further finds that for the safety of the person or persons protected under this order, the addresses and specific locations of the person or persons protected by the order remain confidential and shall be omitted from the order.

Delivery of Order:

IT IS FURTHER 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 the order resides;
- \_\_\_\_\_ to the Sheriff of the county where the member of the family or household or individual protected by the order resides;
- \_\_\_\_\_ to the principal, director, or person in charge of the school or childcare facility attended by a person protected by the order and named herein.

\_\_\_\_\_ to the victim (*if not present at hearing*).

Notice to the Victim:

IT IS FURTHER 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 place of employment.

Suspension of Concealed Handgun License:

IT IS ORDERED that the license to carry a concealed handgun of \_\_\_\_\_, Defendant, is suspended for the duration of this order. A copy of this order shall be forwarded to the \_\_\_\_\_ Division of the Department of Public Safety. 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 surrender of the suspended license from the license holder.

Duration of Order:

This Order is effective upon issuance and shall remain in full force and effect until midnight on \_\_\_\_\_, \_\_\_\_\_ (this date should be no less than 31 and up to 91 days from the date of issuance).

Signed at \_\_\_\_\_ a.m./p.m. on this day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Judge Presiding, \_\_\_\_\_

**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 OFFICE, 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.**

**WARNINGS UNDER FEDERAL LAW**

**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, 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 A FINE.**

**IT IS UNLAWFUL FOR ANY PERSON WHO IS SUBJECT TO A PROTECTIVE ORDER TO POSSESS A FIREARM OR AMMUNITION.**

**RESPONDENT'S ACKNOWLEDGEMENT OF RECEIPT OF ORDER**

I, \_\_\_\_\_ (name of Defendant), the Defendant in this case received a copy of the Magistrate's Order For Emergency Protection in open court, on

\_\_\_\_\_.

\_\_\_\_\_  
Defendant

**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 Defendant named above at \_\_\_\_\_ a.m./p.m. on

\_\_\_\_\_.

\_\_\_\_\_  
Name

\_\_\_\_\_  
Title