

Governor Abbott Vetoes Bill Requiring Standardization of Protective Order Applications, and Other Bills

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By Elisa Reiter and Daniel Pollack July 28, 2021 at 08:23 PM



What You Need to Know

- Gov. Greg Abbott vetoed SB 1458, a bill that sought to standardize protective order applications.

- The governor vetoed 20 other bills that had been passed during this year’s legislative session—the fewest vetoes since 2005.
- There were 1,073 bills passed by the Texas Legislature this year. The vetoes set aside 13 bills written by Democrats and seven bills written by Republicans.

Gov. Greg Abbott vetoed SB 1458, a bill that sought to standardize protective order applications. Senate Bill 1458 was passed by the 87th Legislature, Regular Session. In vetoing SB 1458, a gubernatorial proclamation was issued in which the governor noted, in pertinent part:

“Senate Bill 1458’s goal of having model forms for protective orders, orders for emergency protection, and temporary ex parte orders is a sound one, but this is already allowed. The Office of Court Administration can, and is encouraged to, create model forms to help achieve the commendable goals behind Senate Bill 1458. But the bill would go farther and impose categorical mandates that courts use standardized forms, without addressing what happens if a court deviates from the prescribed form and without allowing flexibility for unique cases. I vetoed similar legislation last session because, without appropriate safeguards, mandating the use of standardized forms in criminal cases sets a trap for courts whose orders may be challenged as void for deviating from the form and creates loopholes for opportunistic litigants to pursue needless challenges.”

This is intended to clarify our prior article, published by Texas Lawyer on July 14, 2021, titled “Revisions to the Texas Family Code that Every Attorney Should Know.” The Office of Court Administration has issued a kit that attempts to standardize protective applications. Each attorney filing protective order applications will need to assess which form best suits their client’s needs, in keeping with the recommendations of the Office of Court Administration.

In addition to vetoing SB 1458, the governor vetoed 20 other bills that had been passed during this year’s legislative session—the fewest vetoes since 2005. There were 1,073 bills passed by the Texas Legislature this year. The vetoes set aside 13 bills written by Democrats and seven bills written by Republicans. Twelve vetoes addressed bills that stemmed from the Texas House, and the remaining eight vetoes addressed bills originating in the Texas Senate.

The bills vetoed by Abbott are as follows:

1. SB 813: Regarding insurance premium tax credits for the rehabilitation of certified historic structures.
2. HB 686: Regarding the release on parole of certain inmates who were committed when under 18 years of age, thereby changing their parole eligibility.
3. HB 787: Regarding conditions of community supervision prohibiting contact with certain individuals.
4. HB 1193: Regarding the jurisdiction of a juvenile court over certain people and the sealing and nondisclosure of certain criminal records.
5. HB 1240: Regarding the offense of failing to comply with an order from a fire marshal and the authority of certain county employees to issue citations for particular violations; changing a criminal penalty.

6. HB 1477: Regarding performance and payment bonds for public work contracts on public property that has been leased to a nongovernmental entity.
7. HB 1544: Regarding the eligibility of land to continue to be appraised for the purposes of ad valorem taxes as qualified open space land in the event the land is temporarily used for sand mining operations.
8. HB 2448: Regarding verifying incarceration of an accused person in a criminal case for the purposes of discharging a surety's liability on a bail bond.
9. HB 2667: Regarding universal service fund assistance to high-cost rural areas.
- 10.HB 2803: Regarding a commercial landlord's or tenant's remedies related to certain unlawful acts in a multi-unit commercial property.
- 11.HB 3135: Regarding the powers and duties and authority to issue bonds and to impose a tax of SH130 Municipal Management District 1.
- 12.HB 3207: Regarding Teacher Retirement System of Texas and the loss of benefits by certain retirees who resume service during a declared disaster.
- 13.HB 4218: Regarding a cause of action for bad faith washout of an overriding royalty interest in an oil and gas lease.
- 14.SB 1: General Appropriation Bill. Perhaps the most controversial, set aside as a line-item veto.
- 15.SB 36: Regarding a higher education task force to address mental health services for hazing.
- 16.SB 237: Regarding the issuance of a citation for criminal trespass punishable as a Class B misdemeanor.
- 17.SB 281: Regarding the use of hypnotism to induce testimony at a criminal trial.
- 18.SB 474: Creating a criminal offense for the unlawful tethering of a dog.
- 19.SB 1109: Regarding a requirement that public schools provide students with instruction and materials regarding the prevention of child abuse, family violence and dating violence.
- 20.SB 1458: See discussion above regarding the standardization of protective order applications.
- 21.SB 1772: Regarding solar energy sites establishing a Texas Pollinator-Smart Program.

In a Legislative Statement regarding HB 686, Abbott noted in pertinent part:

“The author of House Bill 686 is to be commended for aiming to provide opportunities for the young offender population. The bill, which addresses parole eligibility for juvenile offenders, admirably recognizes the potential for change and encourages rehabilitation and productiveness in the young offender population. As written, though, the bill’s language conflicts with jury instructions required by the Texas Code of Criminal Procedure, which would result in confusion and needless, disruptive litigation. And the bill would cause disparate results in parole eligibility for juvenile offenders by failing to account for all circumstances in Texas Code of Criminal Procedure 42A.054.”

We hope that Abbott will work with the Texas Legislature in continuing to address new laws that serve the needs of all Texas citizens.

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