

Committee on Judiciary

CS/HB 239 — Public Records/Protective Injunction Petitions

by Civil Justice and Claims Subcommittee; and Rep. Lee and others (CS/CS/CS 1062 by Governmental Oversight and Accountability; and Senators Powell, Bracy, and Torres)

This bill provides a public records exemption for a petition for an injunction for protection against domestic violence, repeat violence, dating violence, sexual violence, stalking, or cyberstalking. Upon written request by the respondent named in the petition, the public records exemption applies to those petitions that have been dismissed:

- Without a hearing;
- At an ex parte hearing due to the failure to state a claim or lack of jurisdiction; or
- Based upon the insufficiency of the petition.

The respondent to the petition must provide the request to the clerk of court in person or by mail, facsimile, or electronic transmission. The request must include the case name and number, document heading, and page number.

The bill declares that the public records exemption is necessary because the unverified allegations in a petition that is dismissed may defame and cause unwarranted damage to the reputation of the respondent.

This bill applies to injunctions issued on or after July 1, 2017.

If approved by the Governor, these provisions take effect July 1, 2017.

Vote: Senate 38-0; House 116-0