

Justice of the Peace, Pct.1
Hershel Stagner, Jr.
Judge

<i>About Peace Bonds:</i>			
What is a <u>Peace Bond</u> ?	A peace bond is a court order designed to keep the peace by protecting some one who has been threatened, but not harmed. When a judge issues the Peace Bond he is ordering the person who made the threats to deposit money with the court. If the person who made the threats commits the threatened criminal action then the deposited money will be given to the state.		
What can a Peace Bond <u>do</u> ?	A peace bond warns someone not to break the law. If the person breaks the law, then he or she will face criminal charges <i>and</i> lose the money (the bond) deposited with the court.		
Peace Bonds are not bullet proof!	A Peace Bond is only made of paper. It cannot stop fists or weapons. A Peace Bond does not offer 24-hour protection. It can't protect you from some one who doesn't think about consequences or who doesn't care about being arrested or losing the bond money. If you fear for your safety, speak to a domestic violence counselor about making a Safety Plan.		
How can I <u>apply</u> for a Peace Bond?	You can apply for a peace bond if someone has threatened to harm you or your property. You apply for a Peace Bond by filing a Peace Bond Complaint and Statement of Offense by Complaining Party with the Justice of the Peace in your precinct. If the crime has already happened, a criminal complaint should be filed with the police or sheriff, instead of a Peace Bond.		
<u>How long</u> will it last?	<u>Who</u> issues a peace bond?	How is it <u>enforced</u> ?	Do you need to give the other person <u>notice</u> ?
Up to 1 year	Justices of the Peace	<ul style="list-style-type: none"> ▪ Loss of bond money. ▪ Possible arrest for criminal action. 	Yes, it is required. The clerk of the court will have to send a notice of the Peace Bond hearing.

A Peace Bond is **not a protective order or a restraining order**. A peace bond is only approved or denied by the Judge. If you are filing a peace bond with our court, the information you provide must be true and correct. If you knowingly provide false information, criminal action will be taken. You must fill out our form completely. We are not attorneys, so we can not assist you in filling out our form. If you do not know how to fill out the form, you must contact an attorney.

CHOICES IN THE LEGAL SYSTEM FOR VICTIMS OF CRIME

Peace Bond	Restraining Order	Protective Order	Emergency Protection Order
<p>A Magistrate, including a Justice of the Peace, issues these.</p> <p>A peace bond is a court order designed to keep the peace by protecting a person or property from someone who has threatened to commit an offense against a person or property.</p> <p>Police are <u>not</u> notified.</p> <p>A Bond is set to guarantee good behavior. The money is forfeited to the State if the threat is carried out.</p> <p>Threats that are not deemed serious are:</p> <ul style="list-style-type: none"> ▪ Making a rash statement about a third person during a quarrel or bragging about not being afraid of someone. ▪ Abusive language and bragging by a drunk. ▪ A rash threat resulting from an outburst of temper in the heat of passion. ▪ Making a rash statement provoked by an angry altercation. <p>There needs to be some evidence that a threat will be carried out.</p> <p>This is a piece of paper, it will not physically protect you from harm.</p>	<p>Justice of the Peace <u>does not</u> issue.</p> <p>Private attorney <u>can</u> file. State's Prosecutor <u>cannot</u> file. Person <u>can</u> file on his/her own if they know the process.</p> <p>Police are <u>not</u> notified.</p> <p>An application is filed in District Court, often filed in divorce proceedings. Restraining Orders generally act to protect you from being harassed by telephone calls, having your bank account emptied, having your credit card cancelled, and other similar activities.</p> <p>Temporary Restraining Orders can be in effect for 14 days before the hearing.</p> <p>Last until the Court changes it (usually until the divorce is final).</p> <p>Called a PERMANENT INJUCTION after the Order is final.</p> <p>Punishment is Contempt of Court (up to \$500 fine and/or 6 months in jail).</p> <p>It is a means of keeping someone away (it cannot evict someone from their home, divide property, or deal with custody of children).</p> <p>Can be obtained against anyone, including neighbors and co-workers, not limited to family members.</p>	<p>State's Prosecutor <u>can</u> file.</p> <p>Private attorney <u>can</u> file.</p> <p>Person <u>can</u> file his/her own if they know the process.</p> <p>An application is filed in District Court.</p> <p>Temporary Order can be in effect for 14 days prior to hearing.</p> <p>Can prevent a person from accessing the victim's home.</p> <p>Final Order lasts for up to two years after date it is issued.</p> <p>Respondent given copy of Order at end of hearing or if not at Court by certified mail.</p> <p>Police are notified when the final Order is granted.</p> <p>Punishment is Class A Misdemeanor or State Jail Felony, if respondent has been convicted 2 times for violation.</p> <p>A Protective Order is intended to prevent family violence by a member of a family household. Protective Orders can prohibit a person from going to or near the victim's residence, work, school, or daycare facility.</p> <p>Only against family members -intimate partners.</p>	<p>Issued by a Magistrate at the initial appearance in front of a Judge when a person is in custody after an arrest for family violence, stalking or dating violence.</p> <p>Can be requested by the victim, the victim's guardian, a police officer, a prosecutor, or by the Magistrate on their own.</p> <p>The Defendant is given a copy of the Order by the Magistrate.</p> <p>Police are notified.</p> <p>Lasts up to 91 days from the date it is issued.</p> <p>Punishment is Class A Misdemeanor or State Jail Felony.</p> <p>A Protective Order is intended to prevent family violence by a member of a family household. Protective Orders can prohibit a person from going to or near the victim's residence, work, school, or daycare facility.</p>

****The information contained herein is not exhaustive and is not intended to be legal advice****

CAUSE NO. _____

IN THE MATTER OF

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IN THE JUSTICE COURT

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_____,
RESPONDENT

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PRECINCT ONE

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ORANGE COUNTY, TEXAS

APPLICATION FOR PEACE BOND

I, Applicant _____, submit this application for a Peace Bond to be posted by Respondent _____.

Applicant has reason to believe and does believe based upon specific recent behavior, acts, attempts, or threats which are specifically detailed below that Respondent has threatened to commit and is about to commit an offense against Applicant's person or property as described:

Address/Phone Number/Email of Respondent: _____

Physical Description of Respondent:

Sex: _____ Age: _____ Height: _____ Weight: _____ lbs.

Hair (*color & length*): _____ Eye Color: _____

Other identifying information: _____

Relationship of Applicant to Respondent (*check one*):

None Spouse Parent Friend Adult Child Neighbor

Other (please specify) _____.

Applicant's Signature

Date

Address & Phone Number

Email

SWORN TO AND SUBSCRIBED before me on _____, 20____.

CLERK OF THE JUSTICE COURT OR NOTARY

YOU ARE UNDER OATH: You may be subject to a fine of \$500.00 to \$1,000.00 dollars if the court finds that you have given false information and facts against the accused.

PROBABLE CAUSE APPROVAL

ON THIS THE _____, day of _____, 20____, I hereby acknowledge that I have examined the above affidavit case number **PB-**_____ and have determined that probable cause exists for the issuance of an arrest warrant or a summons in lieu of warrant of arrest for the individual accused therein.

JUDGE HERSHEL STAGNER, JR
JUSTICE OF THE PEACE, PCT ONE
ORANGE COUNTY, TEXAS