

1-1 By: Meyer, et al. (Senate Sponsor - Parker) H.B. No. 1161
1-2 (In the Senate - Received from the House April 6, 2023;
1-3 April 12, 2023, read first time and referred to Committee on
1-4 Criminal Justice; May 3, 2023, reported favorably by the following
1-5 vote: Yeas 5, Nays 0; May 3, 2023, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	Whitmire	X		
1-9	Flores	X		
1-10	Bettencourt	X		
1-11	Hinojosa	X		
1-12	Huffman	X		
1-13	King		X	
1-14	Miles		X	

1-15 A BILL TO BE ENTITLED
1-16 AN ACT

1-17 relating to the confidentiality of home address information for
1-18 victims of child abduction and to the administration of the address
1-19 confidentiality program by the office of the attorney general.

1-20 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-21 SECTION 1. Article 58.051, Code of Criminal Procedure, is
1-22 amended by adding Subdivision (1-a) to read as follows:

1-23 (1-a) "Child abduction" means any conduct that:

1-24 (A) constitutes an offense under Sections 20.02,
1-25 20.03, 20.04, 25.03, and 25.031, Penal Code; and

1-26 (B) results in a person younger than 18 years of
1-27 age becoming a victim of the offense.

1-28 SECTION 2. Article 58.052(a), Code of Criminal Procedure,
1-29 is amended to read as follows:

1-30 (a) The attorney general shall establish an address
1-31 confidentiality program, as provided by this subchapter, to assist
1-32 a victim of family violence, sexual assault or abuse, stalking,
1-33 child abduction, or trafficking of persons in maintaining a
1-34 confidential address.

1-35 SECTION 3. Article 58.054, Code of Criminal Procedure, is
1-36 amended to read as follows:

1-37 Art. 58.054. ELIGIBILITY. To be eligible to participate in
1-38 the program:

1-39 (1) an applicant must satisfy any of the following:

1-40 (A) meet with a victim's assistance counselor
1-41 from a state or local agency or other for-profit or nonprofit entity
1-42 that is identified by the attorney general as an entity that
1-43 provides shelter or civil legal services or counseling to victims
1-44 of family violence, sexual assault or abuse, stalking, child
1-45 abduction, or trafficking of persons;

1-46 (B) be protected under, or be filing an
1-47 application on behalf of a victim who is the applicant's child or
1-48 another person in the applicant's household and who is protected
1-49 under:

1-50 (i) a temporary injunction issued under
1-51 Subchapter F, Chapter 6, Family Code;

1-52 (ii) a temporary ex parte order issued
1-53 under Chapter 83, Family Code;

1-54 (iii) an order issued under Subchapter A or
1-55 B, Chapter 7B, of this code or Chapter 85, Family Code; or

1-56 (iv) a magistrate's order for emergency
1-57 protection issued under Article 17.292; or

1-58 (C) possess documentation of family violence,
1-59 child abduction, or trafficking of persons, as identified by the
1-60 rules adopted under Article 58.056, or of sexual assault or abuse or
1-61 stalking, as described by Section 92.0161, Property Code; and

- 2-1 (2) an applicant must satisfy all of the following:
- 2-2 (A) file an application for participation with
- 2-3 the attorney general or a state or local agency or other entity
- 2-4 identified by the attorney general under Subdivision (1);
- 2-5 (B) file an affirmation that the applicant has
- 2-6 discussed safety planning with a victim's assistance counselor
- 2-7 described by Subdivision (1)(A);
- 2-8 (C) designate the attorney general as agent to
- 2-9 receive service of process and mail on behalf of the applicant; and
- 2-10 (D) live at a residential address, or relocate to
- 2-11 a residential address, that is unknown to the person who committed
- 2-12 or is alleged to have committed the family violence, sexual assault
- 2-13 or abuse, stalking, child abduction, or trafficking of persons.

2-14 SECTION 4. Article 58.055(a), Code of Criminal Procedure,
2-15 is amended to read as follows:

- 2-16 (a) An application under Article 58.054(2)(A) must contain:
- 2-17 (1) a signed, sworn statement by the applicant stating
- 2-18 that the applicant fears for the safety of the applicant, the
- 2-19 applicant's child, or another person in the applicant's household
- 2-20 because of a threat of immediate or future harm caused by the person
- 2-21 who committed or is alleged to have committed the family violence,
- 2-22 sexual assault or abuse, stalking, child abduction, or trafficking
- 2-23 of persons;

- 2-24 (2) the applicant's true residential address and, if
- 2-25 applicable, the applicant's business and school addresses; and

- 2-26 (3) a statement by the applicant of whether there is an
- 2-27 existing court order or a pending court case for child support or
- 2-28 child custody or visitation that involves the applicant, the
- 2-29 applicant's child, or another person in the applicant's household
- 2-30 and, if so, the name and address of:

- 2-31 (A) the legal counsel of record; and
- 2-32 (B) each parent involved in the court order or
- 2-33 pending case.

2-34 SECTION 5. Article 58.056(a), Code of Criminal Procedure,
2-35 is amended to read as follows:

- 2-36 (a) The attorney general may establish procedures for
- 2-37 requiring an applicant, in appropriate circumstances, to submit
- 2-38 with the application under Article 58.054(2)(A) independent
- 2-39 documentary evidence of family violence, sexual assault or abuse,
- 2-40 stalking, child abduction, or trafficking of persons in the form
- 2-41 of:

- 2-42 (1) an active or recently issued order described by
- 2-43 Article 58.054(1)(B);

- 2-44 (2) an incident report or other record maintained by a
- 2-45 law enforcement agency or official;

- 2-46 (3) a statement of a physician or other health care
- 2-47 provider regarding the medical condition of the applicant,
- 2-48 applicant's child, or other person in the applicant's household as a
- 2-49 result of the family violence, sexual assault or abuse, stalking,
- 2-50 child abduction, or trafficking of persons;

- 2-51 (4) a statement of a mental health professional, a
- 2-52 member of the clergy, an attorney or other legal advocate, a trained
- 2-53 staff member of a family violence center, or another professional
- 2-54 who has assisted the applicant, applicant's child, or other person
- 2-55 in the applicant's household in addressing the effects of the
- 2-56 family violence, sexual assault or abuse, stalking, child
- 2-57 abduction, or trafficking of persons; or

- 2-58 (5) any other independent documentary evidence
- 2-59 necessary to show the applicant's eligibility to participate in the
- 2-60 program.

2-61 SECTION 6. This Act takes effect immediately if it receives
2-62 a vote of two-thirds of all the members elected to each house, as
2-63 provided by Section 39, Article III, Texas Constitution. If this
2-64 Act does not receive the vote necessary for immediate effect, this
2-65 Act takes effect September 1, 2023.

2-66 * * * * *