

BILL ANALYSIS

Senate Research Center
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S.B. 160
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AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

The Texas Department of Public Safety and the Texas Council on Family Violence report that, in 2003, there were 185,299 incidents of family violence and 140 women killed by an intimate partner.

Survivors of domestic violence, sexual assault, and stalking often attempt to escape from violence by establishing new addresses. Too often the perpetrator of violence locates the new address. With an average of 21 percent of adults being denied shelter in Texas between 1999 and 2003 due to lack of space and no way of keeping a residential address confidential, many victims of domestic violence do not have adequate protection from their perpetrators.

As proposed, S.B. 160 creates an address confidentiality program (ACP) that will provide domestic violence victims a means to keep their addresses confidential in order to stay safe from actual or threatened violence.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the secretary of state in SECTION 1 (Sections 95.005 and 95.012, Family Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Title 4, Family Code, by adding Subtitle D, as follows:

SUBTITLE D. PROTECTING VICTIMS OF FAMILY VIOLENCE

CHAPTER 95. ADDRESS CONFIDENTIALITY PROGRAM

Sec. 95.001. DEFINITIONS. Defines "applicant," "mail," "participant," and "program."

Sec. 95.002. ADDRESS CONFIDENTIALITY PROGRAM. Requires the secretary of state to establish an address confidentiality program to assist a victim of family violence in maintaining a confidential address. Requires the secretary of state, under the program, to designate a substitute address that a participant may use in place of the participant's true residential, business, or school address, act as agent to receive service of process and mail for the participant, and forward to the participant mail received for the participant.

Sec. 95.003. APPLICATION. Authorizes an adult person, a parent or guardian acting for a child, or a guardian acting for a person adjudicated incapacitated to apply to the secretary of state to participate in the program. Sets forth what statements, designations, information and signatures the application is required to include.

Sec. 95.004. CERTIFICATION; EXPIRATION. Requires the secretary of state to certify for participation in the program an applicant who files a properly completed application with the secretary of state. Provides that a certification under this chapter expires on the fourth anniversary of the date of certification.

Sec. 95.005. RENEWAL. Authorizes the secretary of state, by rule, to establish a procedure to renew participation in the program.

Sec. 95.006. WITHDRAWAL. Authorizes a participant to withdraw from the program by notifying the secretary of state in writing of the withdrawal.

Sec. 95.007. EXCLUSION FROM PROGRAM. (a) Sets forth the conditions under which the secretary of state is authorized to exclude a participant from participating in the program.

(b) Sets forth the conditions under which the secretary of state is required to exclude a participant from participating in the program, including if the participant obtains a name change.

(c) Authorizes a participant who obtains a name change to reapply for participation in the program. Requires the participant to include with the application documentation of the name change.

Sec. 95.008. ACCEPTANCE OF SUBSTITUTE ADDRESS; EXEMPTIONS. (a) Requires a state or local agency, except as provided by Subsection (b), to accept the substitute address designated by the secretary of state if the substitute address is presented to the agency by a participant as the participant's residential, business, or school address.

(b) Authorizes a state or local agency that has statutory, taxable situs, or administrative requirement for the participant's true residential, business, or school address to request that the participant verbally provide the agency with the participant's true residential, business, or school address if the agency will use the address without permanently entering the address into the agency's records. Requires an agency that does not have that capability to accept the participant's substitute address unless the secretary of state determines that the agency will only use the address for the statutory, taxable situs, or administrative requirement.

Sec. 95.009. EXCEPTIONS TO DISCLOSURE. Authorizes the secretary of state to disclose a participant's true residential, business, or school address if requested by a law enforcement agency or if required by court order. Authorizes the secretary of state to confirm that a person is a participant in the program.

Sec. 95.010. CONFIDENTIALITY. Provides that information relating to a participant is confidential except as provided by Section 95.009. Prohibits information relating to a participant from being disclosed under Chapter 552 (Public Information), Government Code.

Sec. 95.011. PROGRAM ASSISTANCE. Requires the secretary of state to provide to each participant information regarding state and local agencies and other entities that provide counseling and shelter services to victims of family violence.

Sec. 95.012. RULES. Requires the secretary of state to adopt rules necessary to administer the program.

SECTION 2. Amends Section 18.005(a), Election Code, to authorize a voter's substitute address, if required by Section 18.0051, to be included on the original and supplemental list of registered voters instead of the voter's residence address.

SECTION 3. Amends Subchapter A, Chapter 18, Election Code, by adding Section 18.0051, as follows:

Sec. 18.0051. CONTENTS OF LIST: SUBSTITUTE ADDRESS. Requires an original or supplemental list of registered voters to contain a voter's substitute address designated by the secretary of state under Section 95.002, Family Code, for use by the voter in place of the voter's true residential, business, or school address if the voter is eligible for early voting by mail under Section 82.007 and has submitted an early voting ballot application as required by Section 84.0021.

SECTION 4. Amends Chapter 82, Election Code, by adding Section 82.007, as follows:

Sec. 82.007. PARTICIPATION IN ADDRESS CONFIDENTIALITY PROGRAM. Provides that a qualified voter is eligible for early voting by mail if, at the time the voter's early voting ballot application is submitted, the voter is accepted for participation in the address confidentiality program administered by the secretary of state under Chapter 95, Family Code.

SECTION 5. Amends Subchapter A, Chapter 84, Election Code, by adding Section 84.0021, as follows:

Sec. 84.0021. CONTENTS OF APPLICATION FOR PARTICIPANT IN ADDRESS CONFIDENTIALITY PROGRAM; CONFIDENTIAL INFORMATION. (a) Sets forth the information which the early voting ballot application submitted by a qualified voter who is eligible for early voting by mail is required to include.

(b) Provides that the information contained in an application under this section relating to the address at which the applicant is registered to vote is confidential, except that the information is required to be disclosed if requested by a law enforcement agency or if required by court order.

SECTION 6. Amends Chapter 221, Election Code, by adding Section 221.018, as follows:

Sec. 221.018. EXAMINATION OF CERTAIN CONFIDENTIAL INFORMATION. Authorizes the tribunal hearing an election contest, notwithstanding Section 84.0021(b), to examine the information contained in an application under Section 84.0021 relating to the address at which the applicant is registered to vote. Provides that information may be examined under this section only for the purpose of hearing an election contest.

SECTION 7. Requires the secretary of state to establish an address confidentiality program and to adopt rules to administer the program as required by Chapter 95, Family Code, as added by this Act, not later than June 1, 2006.

SECTION 8. Effective date: upon passage or September 1, 2005.