

BILL ANALYSIS

C.S.H.B. 2210
By: Bolton
Law Enforcement
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Victims of domestic violence often need access to the most basic and necessary resources in order to start a new life. Non-profits and other organizations help these individuals by providing assistance for these essential resources. Victims are sometimes required to submit written documentation to prove their status as victims of domestic violence in order to receive this assistance.

C.S.H.B. 2210 would eliminate a barrier from victims seeking aid by providing them with a free copy of certain information contained within the report upon their request.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 2210 amends Chapter 2, Code of Criminal Procedure by adding Article 2.30, which states that a peace officer who investigates the alleged commission of an assault, aggravated assault, sexual assault, aggravated sexual assault, or terroristic threat, is required to prepare a written report that includes the information required under Article 5.05(a).

On request of a victim of an assault, aggravated assault, sexual assault, aggravated sexual assault, or terroristic threat, the local law enforcement agency responsible for investigating the commission of the offense is required to provide the victim with any information contained in the report that is not excepted from disclosure under Government Code Chapter 552 or any other law. This information is to be provided at no cost to the victim.

C.S.H.B. 2210 also amends Article 5.05 of the Code of Criminal Procedure by adding Subsection (f) to require that on the request of a victim of an incident of family violence, the local law enforcement agency responsible for investigating the commission of the offense is to provide, at no cost to the victim, any information contained in the report that is not excepted from disclosure under Government Code Chapter 552 or any other law.

EFFECTIVE DATE

September 1, 2007

COMPARISON OF ORIGINAL TO SUBSTITUTE

The original bill stated that peace officers shall prepare a written report, that the local law enforcement agency shall provide the victims with a free copy of the report, and that the agency may not charge a fee for the provision thereof. It did not, however, include any provisions to protect information in ongoing investigations per the Public Information Act (Chapter 552, Government Code). The committee substitute adds those provisions. The substitute also removes the part of the original bill requiring that local that the local law enforcement agency shall provide the victims of an incident of family violence with a free copy of the report and changes it to say that they shall provide it to the victim at no cost upon the victim's request.

C.S.H.B. 2210 80(R)