

By: Guillen

H.B. No. 597

A BILL TO BE ENTITLED

AN ACT

relating to the creation of an address confidentiality program to assist victims of family violence or stalking in maintaining confidential addresses.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 56, Code of Criminal Procedure, is amended by adding Subchapter C to read as follows:

SUBCHAPTER C. ADDRESS CONFIDENTIALITY PROGRAM FOR VICTIMS OF FAMILY VIOLENCE OR STALKING

Art. 56.91. DEFINITIONS. In this subchapter:

(1) "Applicant" means a person who applies to participate in the program.

(2) "Family violence" has the meaning assigned by Section 71.004, Family Code.

(3) "Family violence shelter center" has the meaning assigned by Section 51.002, Human Resources Code.

(4) "Participant" means an applicant who is accepted for participation in the program.

(5) "Program" means the address confidentiality program created under this subchapter.

Art. 56.92. ADDRESS CONFIDENTIALITY PROGRAM. (a) The attorney general shall establish an address confidentiality program, as provided by this subchapter, to assist a victim of family violence or an offense under Section 42.072, Penal Code, in

1 maintaining a confidential address.

2 (b) The attorney general shall:

3 (1) designate a substitute address that a participant
4 may use in place of the participant's true residential, business,
5 or school address;

6 (2) act as agent to receive service of process and mail
7 for the participant;

8 (3) forward to the participant mail received for the
9 participant; and

10 (4) notify the secretary of state to begin providing a
11 participant who is a registered voter with an absentee ballot,
12 using the participant's substitute address.

13 (c) A participant's true residential, business, or school
14 address is confidential, except as provided by Article 56.96.

15 Art. 56.93. ELIGIBILITY TO PARTICIPATE IN PROGRAM. (a) To
16 be eligible to participate in the program, an applicant must:

17 (1) file an application for participation with the
18 attorney general or a state or local agency identified by the
19 attorney general under Article 56.97;

20 (2) designate the attorney general as agent to receive
21 service of process and mail for the applicant; and

22 (3) live at a residential address, or relocate to a
23 residential address, that is unknown to the person who committed or
24 is alleged to have committed the family violence or an offense under
25 Section 42.072, Penal Code.

26 (b) An application under Subsection (a)(1) must contain:

27 (1) a signed, sworn statement by the applicant that:

1 (A) the applicant, the applicant's child, or
2 other person on whose behalf the application is made:

3 (i) is a victim of an offense involving
4 family violence or an offense under Section 42.072, Penal Code, and
5 the person who committed or is alleged to have committed the offense
6 has been convicted of the offense;

7 (ii) is protected by an order issued under
8 Section 6.504 or Chapter 85, Family Code, under Article 17.292 of
9 this code, or by another jurisdiction as provided by Chapter 88,
10 Family Code; or

11 (iii) has stayed overnight at a family
12 violence shelter center or received direct services in person at
13 least one time during the six-month period preceding the date of
14 application; and

15 (B) the applicant fears for the safety of the
16 applicant, the applicant's child, or other person because of a
17 threat of immediate or future harm caused by the person who
18 committed or is alleged to have committed the family violence or an
19 offense under Section 42.072, Penal Code;

20 (2) the applicant's true residential address and, if
21 applicable, the applicant's business and school addresses; and

22 (3) a statement by the applicant of whether there is an
23 existing court order or a pending court case for child support or
24 child custody or visitation that involves the applicant and, if so,
25 the name and address of:

26 (A) the legal counsel of record; and

27 (B) each parent involved in the court order or

1 pending court case.

2 (c) An applicant is not required under Subsection
3 (b)(1)(A)(ii) or (iii) to prove the commission of a criminal
4 offense to be eligible for participation in the program. It is
5 sufficient that the applicant make a signed, sworn statement as
6 described by Subsection (b)(1).

7 (d) The attorney general by rule may establish additional
8 eligibility requirements for participation in the program that are
9 consistent with the purpose of the program as stated in Article
10 56.92(a).

11 Art. 56.94. INELIGIBILITY AND EXCLUSION. An applicant is
12 ineligible for, and a participant may be excluded from,
13 participation in the program if the applicant or participant
14 knowingly makes a false statement on an application filed under
15 Article 56.93(a)(1).

16 Art. 56.95. ACCEPTANCE OF SUBSTITUTE ADDRESS; EXEMPTIONS.

17 (a) Except as provided by Subsection (b), a state or local agency
18 must accept the substitute address designated by the attorney
19 general if the substitute address is presented to the agency by a
20 participant as the participant's true residential, business, or
21 school address.

22 (b) The attorney general by rule may permit an agency to
23 require a participant to provide the participant's true
24 residential, business, or school address, if necessary for the
25 agency to perform a duty or function that is imposed by law.

26 Art. 56.96. EXCEPTIONS. Notwithstanding Article 56.92(c),
27 the attorney general:

1 (1) shall disclose a participant's true residential,
2 business, or school address if:

3 (A) requested by a law enforcement agency; or

4 (B) required by court order; and

5 (2) may disclose a participant's true residential,
6 business, or school address to the extent necessary to administer
7 the program.

8 Art. 56.97. AGENCY ASSISTANCE. The attorney general shall
9 identify state and local agencies that provide services to victims
10 of family violence and require the identified agencies to provide
11 access to the program, including making program information and
12 application materials available and providing assistance in
13 completing program applications.

14 Art. 56.98. RULES. The secretary of state shall adopt rules
15 necessary to maintain a participant's ability to register to vote
16 and, once registered, to cast a ballot in each election.

17 SECTION 2. Section 18.005(a), Election Code, is amended to
18 read as follows:

19 (a) Each original and supplemental list of registered
20 voters must:

21 (1) contain the voter's name, residence address or
22 substitute address, if required by Section 18.0051, date of birth,
23 and registration number as provided by the statewide computerized
24 voter registration list;

25 (2) be arranged alphabetically by voter name; and

26 (3) contain the notation required by Section 15.111[+

27 ~~and~~

1 ~~[(4) until Section 13.122(d) expires, identify each~~
2 ~~voter registered by mail for the first time who failed to provide a~~
3 ~~copy of a document described by Section 63.0101 establishing the~~
4 ~~voter's identity at the time of registration].~~

5 SECTION 3. Subchapter A, Chapter 18, Election Code, is
6 amended by adding Section 18.0051 to read as follows:

7 Sec. 18.0051. CONTENTS OF LIST: SUBSTITUTE ADDRESS. An
8 original or supplemental list of registered voters must contain a
9 voter's substitute address designated by the attorney general under
10 Article 56.92(b), Code of Criminal Procedure, for use by the voter
11 in place of the voter's true residential, business, or school
12 address if the voter is eligible for early voting by mail under
13 Section 82.006 and has submitted an early voting ballot application
14 as required by Section 84.0021.

15 SECTION 4. Chapter 82, Election Code, is amended by adding
16 Section 82.006 to read as follows:

17 Sec. 82.006. PARTICIPATION IN ADDRESS CONFIDENTIALITY
18 PROGRAM. A qualified voter is eligible for early voting by mail if,
19 at the time the voter's early voting ballot application is
20 submitted, the voter is accepted for participation in the address
21 confidentiality program administered by the attorney general under
22 Subchapter C, Chapter 56, Code of Criminal Procedure.

23 SECTION 5. Subchapter A, Chapter 84, Election Code, is
24 amended by adding Section 84.0021 to read as follows:

25 Sec. 84.0021. CONTENTS OF APPLICATION FOR PARTICIPANT IN
26 ADDRESS CONFIDENTIALITY PROGRAM; CONFIDENTIAL INFORMATION. (a) An
27 early voting ballot application submitted by a qualified voter who

1 is eligible for early voting by mail under Section 82.006 must
2 include:

3 (1) the applicant's name and address at which the
4 applicant is registered to vote;

5 (2) the substitute address designated by the attorney
6 general under Article 56.92(b), Code of Criminal Procedure, for use
7 by the voter in place of the voter's true residential, business, or
8 school address; and

9 (3) an indication of each election for which the
10 applicant is applying for a ballot.

11 (b) The information contained in an application under this
12 section relating to the address at which the applicant is
13 registered to vote is confidential, except that the information
14 must be disclosed if:

15 (1) requested by a law enforcement agency; or

16 (2) required by court order.

17 SECTION 6. Chapter 221, Election Code, is amended by adding
18 Section 221.018 to read as follows:

19 Sec. 221.018. EXAMINATION OF CERTAIN CONFIDENTIAL
20 INFORMATION. (a) Notwithstanding Section 84.0021(b), the tribunal
21 hearing an election contest may examine the information contained
22 in an application under Section 84.0021 relating to the address at
23 which the applicant is registered to vote.

24 (b) Information may be examined under this section only for
25 the purpose of hearing an election contest.

26 SECTION 7. (a) The attorney general shall establish an
27 address confidentiality program and adopt rules to administer the

1 program as required by Subchapter C, Chapter 56, Code of Criminal
2 Procedure, as added by this Act, not later than June 1, 2008.

3 (b) The secretary of state shall adopt rules as required by
4 Article 56.98, Code of Criminal Procedure, as added by this Act, not
5 later than June 1, 2008.

6 SECTION 8. This Act takes effect immediately if it receives
7 a vote of two-thirds of all the members elected to each house, as
8 provided by Section 39, Article III, Texas Constitution. If this
9 Act does not receive the vote necessary for immediate effect, this
10 Act takes effect September 1, 2007.