

BILL ANALYSIS

Senate Research Center

S.B. 946
By: Nelson
Jurisprudence
7/16/2013
Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

S.B. 946 amends Section 92.0161, Property Code, to allow stalking victims or their parents or guardians to terminate their lease in certain circumstances; allow victims of indecency with a child and sexual performance with a child to terminate their lease in certain circumstances; allow victims of attempted assault or abuse to terminate their lease in certain circumstances; and require that a parent or guardian of a victim reside with the victim to exercise the right to terminate their lease.

S.B. 946 amends current law relating to the right to terminate a lease and avoid liability by a victim of certain sexual offenses or stalking.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends the heading to Section 92.0161, Property Code, to read as follows:

Sec. 92.0161. RIGHT TO VACATE AND AVOID LIABILITY FOLLOWING CERTAIN SEX OFFENSES OR STALKING.

SECTION 2. Amends Section 92.0161, Property Code, by amending Subsections (b), (c), (d), and (g) and adding Subsections (c-1), (i), and (j), as follows:

(b) Authorizes a tenant to terminate the tenant's rights and obligations under a lease and to vacate the dwelling and avoid liability for future rent and any other sums due under the lease for terminating the lease and vacating the dwelling before the end of the lease term after the tenant complies with Subsection (c) or (c-1).

(c) Requires the tenant, if the tenant is a victim or a parent or guardian of a victim of sexual assault under Section 22.011 (Sexual Assault), Penal Code, aggravated sexual assault under Section 22.021 (Aggravated Sexual Assault), Penal Code, indecency with a child under Section 21.11 (Indecency With a Child), Penal Code, sexual performance by a child under Section 43.25 (Sexual Performance by a Child), Penal Code, continuous sexual abuse of a child under Section 21.02 (Continuous Sexual Abuse of Young Child or Children), Penal Code, or an attempt to commit any of the foregoing offenses under Section 15.01 (Criminal Attempt), Penal Code, that takes place during the preceding six-month period on the premises or at any dwelling on the premises, to provide to the landlord or the landlord's agent a copy of:

(1) documentation of the assault or abuse, or attempted assault or abuse, of the victim from a licensed health care services provider who examined the victim;

(2) documentation of the assault or abuse, or attempted assault or abuse, of the victim from a licensed mental health services provider who examined or evaluated the victim;

(3) documentation of the assault or abuse, or attempted assault or abuse, of the victim from an individual authorized under Chapter 420 (Sexual Assault Prevention and Crisis Services), Government Code, who provided services to the victim; or

(4) documentation of a protective order issued under Chapter 7A (Protective Order for Certain Victims of Trafficking or Sexual Assault or Stalking), Code of Criminal Procedure, except for a temporary ex parte order.

(c-1) Requires the tenant, if the tenant is a victim or a parent or guardian of a victim of stalking under Section 42.072 (Stalking), Penal Code, that takes place during the preceding six-month period on the premises or at any dwelling on the premises, to provide to the landlord or the landlord's agent a copy of documentation of a protective order issued under Chapter 7A or Article 6.09 (Stalking Protective Order), Code of Criminal Procedure, except for a temporary ex parte order or documentation of the stalking from a provider of services described by Subsection (c)(1), (2), or (3) and a law enforcement incident report or if a law enforcement incident report is unavailable, another record maintained in the ordinary course of business by a law enforcement agency.

(d) Makes a conforming change.

(g) Provides that a tenant who terminates a lease under Subsection (b) is released from all liability for any delinquent, unpaid rent owed to the landlord by the tenant on the effective date of the lease termination if the lease does not contain certain language.

(i) Requires a tenant who is a parent or guardian of a victim described by Subsections (c) and (c-1), for purposes of those subsections, to reside with the victim to exercise the rights established by this section.

(j) Prohibits a person who receives information under Subsection (c), (c-1), or (d) from disclosing the information to any other person except for a legitimate or customary business purpose or as otherwise required by law.

SECTION 3. Effective date: January 1, 2014.