

1-1 By: Nelson S.B. No. 946
 1-2 (In the Senate - Filed February 28, 2013; March 12, 2013,
 1-3 read first time and referred to Committee on Jurisprudence;
 1-4 March 27, 2013, reported favorably by the following vote: Yeas 5,
 1-5 Nays 0; March 27, 2013, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7 West	X			
1-8 Rodriguez	X			
1-9 Campbell	X			
1-10 Carona			X	
1-11 Garcia	X			
1-12 Hancock			X	
1-13 Paxton	X			

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

1-17 relating to the right to terminate a lease and avoid liability by a
 1-18 victim of certain sexual offenses or stalking.

1-19 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-20 SECTION 1. The heading to Section 92.0161, Property Code,
 1-21 is amended to read as follows:

1-22 Sec. 92.0161. RIGHT TO VACATE AND AVOID LIABILITY FOLLOWING
 1-23 CERTAIN SEX OFFENSES OR STALKING.

1-24 SECTION 2. Section 92.0161, Property Code, is amended by
 1-25 amending Subsections (b), (c), (d), and (g) and adding Subsections
 1-26 (c-1), (i), and (j) to read as follows:

1-27 (b) A tenant may terminate the tenant's rights and
 1-28 obligations under a lease and may vacate the dwelling and avoid
 1-29 liability for future rent and any other sums due under the lease for
 1-30 terminating the lease and vacating the dwelling before the end of
 1-31 the lease term after the tenant complies with Subsection (c) or
 1-32 (c-1).

1-33 (c) If the tenant is a victim [~~of sexual assault~~] or a parent
 1-34 or guardian of a victim of sexual assault under Section 22.011,
 1-35 Penal Code, aggravated sexual assault under Section 22.021, Penal
 1-36 Code, indecenty with a child under Section 21.11, Penal Code,
 1-37 sexual performance by a child under Section 43.25, Penal Code, [or]
 1-38 continuous sexual abuse of a child under Section 21.02, Penal Code,
 1-39 or an attempt to commit any of the foregoing offenses under Section
 1-40 15.01, Penal Code, that takes place during the preceding six-month
 1-41 period on the premises or at any dwelling on the premises, the
 1-42 tenant shall provide to the landlord or the landlord's agent a copy
 1-43 of:

1-44 (1) documentation of the assault or abuse, or
 1-45 attempted assault or abuse, of the victim from a licensed health
 1-46 care services provider who examined the victim;

1-47 (2) documentation of the assault or abuse, or
 1-48 attempted assault or abuse, of the victim from a licensed mental
 1-49 health services provider who examined or evaluated the victim;

1-50 (3) documentation of the assault or abuse, or
 1-51 attempted assault or abuse, of the victim from an individual
 1-52 authorized under Chapter 420, Government Code, who provided
 1-53 services to the victim; or

1-54 (4) documentation of a protective order issued under
 1-55 Chapter 7A, Code of Criminal Procedure, except for a temporary ex
 1-56 parte order.

1-57 (c-1) If the tenant is a victim or a parent or guardian of a
 1-58 victim of stalking under Section 42.072, Penal Code, that takes
 1-59 place during the preceding six-month period on the premises or at
 1-60 any dwelling on the premises, the tenant shall provide to the
 1-61 landlord or the landlord's agent a copy of:

2-1 (1) documentation of a protective order issued under
2-2 Chapter 7A or Article 6.09, Code of Criminal Procedure, except for a
2-3 temporary ex parte order; or

2-4 (2) documentation of the stalking from a provider of
2-5 services described by Subsection (c)(1), (2), or (3) and:

2-6 (A) a law enforcement incident report; or

2-7 (B) if a law enforcement incident report is
2-8 unavailable, another record maintained in the ordinary course of
2-9 business by a law enforcement agency.

2-10 (d) A tenant may exercise the rights to terminate the lease
2-11 under Subsection (b), vacate the dwelling before the end of the
2-12 lease term, and avoid liability beginning on the date after all of
2-13 the following events have occurred:

2-14 (1) the tenant provides a copy of the relevant
2-15 documentation described by Subsection (c) or (c-1) to the landlord;

2-16 (2) the tenant provides written notice of termination
2-17 of the lease to the landlord on or before the 30th day before the
2-18 date the lease terminates;

2-19 (3) the 30th day after the date the tenant provided
2-20 notice under Subdivision (2) expires; and

2-21 (4) the tenant vacates the dwelling.

2-22 (g) A tenant who terminates a lease under Subsection (b) is
2-23 released from all liability for any delinquent, unpaid rent owed to
2-24 the landlord by the tenant on the effective date of the lease
2-25 termination if the lease does not contain language substantially
2-26 equivalent to the following:

2-27 "Tenants may have special statutory rights to terminate the
2-28 lease early in certain situations involving certain sexual offenses
2-29 or stalking [assault or sexual abuse]."

2-30 (i) For purposes of Subsections (c) and (c-1), a tenant who
2-31 is a parent or guardian of a victim described by those subsections
2-32 must reside with the victim to exercise the rights established by
2-33 this section.

2-34 (j) A person who receives information under Subsection (c),
2-35 (c-1), or (d) may not disclose the information to any other person
2-36 except for a legitimate or customary business purpose or as
2-37 otherwise required by law.

2-38 SECTION 3. This Act takes effect September 1, 2013.

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