

BILL ANALYSIS

Senate Research Center

S.B. 1242
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State Affairs
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Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

In keeping with best practices for victims of family violence, applicants seeking a protective order in Texas must only provide their name and county of residence to initiate the order, not an address. However, the "Contents of Notice of Application" does require a mailing address. Individuals who are represented by an attorney are instructed to use the attorney's address, but those without an attorney must provide their own address. This same statute notes that the respondent is entitled, but not required, to file a written answer.

This puts undue burden on those without an attorney, who are more likely to be low-income, and it creates a risk to their safety by not safeguarding their address. S.B. 1242 would address these issues by adding a section to Chapter 82, Family Code, that allows an applicant to designate another person to receive written correspondence on their behalf. The court retains the applicant's address but makes it accessible only to the court and to law enforcement to enter into a confidential database.

S.B. 1242 will improve the safety of victims of family violence seeking a protective order while still allowing access to important information for law enforcement and not creating an undue burden to the court.

S.B. 1242 amends current law relating to the confidentiality of certain personal information of an applicant for or a person protected by a protective order.

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 Subchapter A, Chapter 82, Family Code, by adding Section 82.011, as follows:

Sec. 82.011. CONFIDENTIALITY OF CERTAIN INFORMATION. Authorizes the court, on request by an applicant, to protect the applicant's mailing address by rendering an order:

- (1) requiring the applicant to disclose the applicant's mailing address to the court, designate a person to receive on behalf of the applicant any notice or documents filed with the court related to the application, and disclose the designated person's mailing address to the court;
- (2) requiring the court clerk to strike the applicant's mailing address from the public records of the court, if applicable, and maintain a confidential record of the applicant's mailing address for use only by the court; and
- (3) prohibiting the release of the information to the respondent.

SECTION 2. Amends Section 82.041(a), Family Code, as follows:

(a) Requires a notice of an application for a protective order to show, if the applicant is not represented by an attorney, the mailing address of the applicant or, if applicable, the name and mailing address of the person designated under Section 82.011, rather than the mailing of the address of the applicant, if the applicant is not represented by an attorney. Makes nonsubstantive changes.

SECTION 3. Amends Section 85.007(b), Family Code, as follows:

(b) Requires the court, on granting a request for confidentiality, to order the clerk to maintain a confidential record of the information for use only by a law enforcement agency for purposes of entering the information required by Section 411.042(b)(6), Government Code, into the statewide law enforcement information system maintained by the Texas Department of Public Safety.

SECTION 4. Amends Section 411.042(b), Government Code, as follows:

(b) Requires that information in the law enforcement information system relating to an active order include certain information. Deletes existing text referencing Section 85.007 (Confidentiality of Certain Information), Family Code, from sections under which certain information is excluded.

SECTION 5. Makes application of Section 82.011, Family Code, as added by this Act, prospective.

SECTION 6. Provides that Section 85.007, Family Code, and Section 411.042, Government Code, as amended by this Act, apply to a protective order issued on or after the effective date of this Act, regardless of whether the conduct on which the order is based occurred before, on, or after that date.

SECTION 7. Effective date: September 1, 2017.