

By: Hunter, Herrero, King of Parker

H.B. No. 2222

Substitute the following for H.B. No. 2222:

By: Moody

C.S.H.B. No. 2222

A BILL TO BE ENTITLED

AN ACT

relating to the confidentiality of home address information of certain victims of family violence, sexual assault or abuse, stalking, or trafficking of persons.

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

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

SUBCHAPTER C. ADDRESS CONFIDENTIALITY PROGRAM FOR VICTIMS OF FAMILY VIOLENCE, SEXUAL ASSAULT OR ABUSE, ~~[OR]~~ STALKING, OR TRAFFICKING OF PERSONS

SECTION 2. Article 56.81, Code of Criminal Procedure, is amended by adding Subdivisions (3-a), (6-a), (6-b), and (6-c) and amending Subdivision (7) to read as follows:

(3-a) "Household" has the meaning assigned by Section 71.005, Family Code.

(6-a) "Sexual abuse" means any conduct that constitutes an offense under Section 21.02, 21.11, or 25.02, Penal Code.

(6-b) "Sexual assault" means any conduct that constitutes an offense under Section 22.011 or 22.021, Penal Code.

(6-c) "Stalking" means any conduct that constitutes an offense under Section 42.072, Penal Code.

(7) "Trafficking of persons" means any conduct that constitutes an offense ~~[that may be prosecuted]~~ under Section

1 20A.02, 20A.03, 43.03, 43.04, 43.05, 43.25, 43.251, or 43.26, Penal
2 Code, and that results in a person:

3 (A) engaging in forced labor or services; or

4 (B) otherwise becoming a victim of the offense.

5 SECTION 3. Article 56.82(a), Code of Criminal Procedure, is
6 amended to read as follows:

7 (a) The attorney general shall establish an address
8 confidentiality program, as provided by this subchapter, to assist
9 a victim of family violence, sexual assault or abuse, stalking, or
10 trafficking of persons~~[, or an offense under Section 22.011,~~
11 ~~22.021, 25.02, or 42.072, Penal Code,~~] in maintaining a
12 confidential address.

13 SECTION 4. Article 56.83, Code of Criminal Procedure, is
14 amended by amending Subsections (a), (b), and (e) and adding
15 Subsection (e-1) to read as follows:

16 (a) To be eligible to participate in the program, an
17 applicant must:

18 (1) either:

19 (A) meet with a victim's assistance counselor
20 from a state or local agency or other entity, whether for-profit or
21 nonprofit, that is identified by the attorney general as an entity
22 that provides ~~[counseling and]~~ shelter or civil legal services or
23 counseling to victims of family violence, sexual assault or abuse,
24 stalking, or trafficking of persons~~[, or an offense under Section~~
25 ~~22.011, 22.021, 25.02, or 42.072, Penal Code]~~;

26 (B) be protected under, or be filing an
27 application on behalf of a victim who is the applicant's child or

another person in the applicant's household and who is protected under:

(i) a temporary injunction issued under Subchapter F, Chapter 6, Family Code;

(ii) a temporary ex parte order issued under Chapter 83, Family Code;

(iii) an order issued under Chapter 7A or Article 6.09 of this code or Chapter 85, Family Code; or

(iv) a magistrate's order for emergency protection issued under Article 17.292; or

(C) possess documentation of family violence, as identified by the rules adopted under this section, or of sexual assault or abuse or stalking, as described by Section 92.0161, Property Code;

(2) file an application for participation with the attorney general or a state or local agency or other entity identified by the attorney general under Subdivision (1);

(3) file an affirmation that the applicant has discussed safety planning with a victim's assistance counselor described by Subdivision (1)(A);

(4) designate the attorney general as agent to receive service of process and mail on behalf of the applicant; and

(5) [(4)] live at a residential address, or relocate to a residential address, that is unknown to the person who committed or is alleged to have committed the family violence, sexual assault or abuse, stalking, or trafficking of persons[~~or an offense under Section 22.011, 22.021, 25.02, or 42.072, Penal~~

1 ~~Code~~].

2 (b) An application under Subsection (a)(2) must contain:

3 (1) a signed, sworn statement by the applicant stating
4 that the applicant fears for the safety of the applicant, the
5 applicant's child, or another person in the applicant's household
6 because of a threat of immediate or future harm caused by the person
7 who committed or is alleged to have committed the family violence,
8 sexual assault or abuse, stalking, or [the] trafficking of
9 persons~~[, or an offense under Section 22.011, 22.021, 25.02, or~~
10 ~~42.072, Penal Code]~~;

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

13 (3) a statement by the applicant of whether there is an
14 existing court order or a pending court case for child support or
15 child custody or visitation that involves the applicant, the
16 applicant's child, or another person in the applicant's household
17 and, if so, the name and address of:

18 (A) the legal counsel of record; and

19 (B) each parent involved in the court order or
20 pending case.

21 (e) The attorney general by rule may establish additional
22 eligibility requirements for participation in the program that are
23 consistent with the purpose of the program as stated in Article
24 56.82(a).

25 (e-1) The attorney general may establish procedures for
26 requiring an applicant, in appropriate circumstances, to submit
27 with the application under Subsection (a)(2) independent

documentary evidence of family violence, sexual assault or abuse, stalking, or trafficking of persons~~[, or an offense under Section 22.011, 22.021, 25.02, or 42.072, Penal Code,~~] in the form of:

(1) an active or recently issued ~~[protective]~~ order described by Subsection (a)(1)(B);

(2) an incident report or other record maintained by a law enforcement agency or official;

(3) a statement of a physician or other health care provider regarding the ~~[applicant's]~~ medical condition of the applicant, applicant's child, or other person in the applicant's household as a result of the family violence, sexual assault or abuse, stalking, or trafficking of persons~~[, or offense]; [or]~~

(4) a statement of a mental health professional, a member of the clergy, an attorney or other legal advocate, a trained staff member of a family violence center, or another professional who has assisted the applicant, applicant's child, or other person in the applicant's household in addressing the effects of the family violence, sexual assault or abuse, stalking, or trafficking of persons; or

(5) any other independent documentary evidence necessary to show the applicant's eligibility to participate in the program~~[, or offense].~~

SECTION 5. Article 56.90(a), Code of Criminal Procedure, is amended to read as follows:

(a) The attorney general:

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

(A) requested by:

(i) a law enforcement agency for the purpose of conducting an investigation;

(ii) the Department of Family and Protective Services for the purpose of conducting a child protective services investigation under Chapter 261, Family Code; or

(iii) the Department of State Health Services or a local health authority for the purpose of making a notification described by Article 21.31 of this code, Section 54.033, Family Code, or Section 81.051, Health and Safety Code; or

(B) required by court order; and

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

(A) the participant consents to the disclosure; and

(B) the disclosure is necessary to administer the program.

SECTION 6. Section 13.004(c), Election Code, is amended to read as follows:

(c) The following information furnished on a registration application is confidential and does not constitute public information for purposes of Chapter 552, Government Code:

(1) a social security number;

(2) a Texas driver's license number;

(3) a number of a personal identification card issued by the Department of Public Safety;

1 (4) an indication that an applicant is interested in
2 working as an election judge; ~~[or]~~

3 (5) the residence address of the applicant, if the
4 applicant is a federal judge or state judge, as defined by Section
5 13.0021, the spouse of a federal judge or state judge, or an
6 individual to whom Section 552.1175, Government Code, applies and
7 the applicant:

8 (A) included an affidavit with the registration
9 application describing the applicant's status under this
10 subdivision, including an affidavit under Section 13.0021 if the
11 applicant is a federal judge or state judge or the spouse of a
12 federal judge or state judge;

13 (B) provided the registrar with an affidavit
14 describing the applicant's status under this subdivision,
15 including an affidavit under Section 15.0215 if the applicant is a
16 federal judge or state judge or the spouse of a federal judge or
17 state judge; or

18 (C) provided the registrar with a completed form
19 approved by the secretary of state for the purpose of notifying the
20 registrar of the applicant's status under this subdivision;

21 (6) the residence address of the applicant, if the
22 applicant, the applicant's child, or another person in the
23 applicant's household is a victim of family violence as defined by
24 Section 71.004, Family Code, who provided the registrar with:

25 (A) a copy of a protective order issued under
26 Chapter 85, Family Code, or a magistrate's order for emergency
27 protection issued under Article 17.292, Code of Criminal Procedure;

1 or

2 (B) other independent documentary evidence
3 necessary to show that the applicant, the applicant's child, or
4 another person in the applicant's household is a victim of family
5 violence;

6 (7) the residence address of the applicant, if the
7 applicant, the applicant's child, or another person in the
8 applicant's household is a victim of sexual assault or abuse,
9 stalking, or trafficking of persons who provided the registrar
10 with:

11 (A) a copy of a protective order issued under
12 Chapter 7A or Article 6.09, Code of Criminal Procedure, or a
13 magistrate's order for emergency protection issued under Article
14 17.292, Code of Criminal Procedure; or

15 (B) other independent documentary evidence
16 necessary to show that the applicant, the applicant's child, or
17 another person in the applicant's household is a victim of sexual
18 assault or abuse, stalking, or trafficking of persons; or

19 (8) the residence address of the applicant, if the
20 applicant:

21 (A) is a participant in the address
22 confidentiality program administered by the attorney general under
23 Subchapter C, Chapter 56, Code of Criminal Procedure; and

24 (B) provided the registrar with proof of
25 certification under Article 56.84, Code of Criminal Procedure.

26 SECTION 7. Section 25.025(a), Tax Code, is amended to read
27 as follows:

(a) This section applies only to:

(1) a current or former peace officer as defined by Article 2.12, Code of Criminal Procedure;

(2) a county jailer as defined by Section 1701.001, Occupations Code;

(3) an employee of the Texas Department of Criminal Justice;

(4) a commissioned security officer as defined by Section 1702.002, Occupations Code;

(5) an individual who shows that the individual, the individual's child, or another person in the individual's household is a victim of family violence as defined by Section 71.004, Family Code, by providing:

(A) a copy of a protective order issued under Chapter 85, Family Code, or a magistrate's order for emergency protection issued under Article 17.292, Code of Criminal Procedure; or

(B) other independent documentary evidence necessary to show that the individual, the individual's child, or another person in the individual's household is a victim of family violence ~~[if as a result of the act of family violence against the victim, the actor is convicted of a felony or a Class A misdemeanor];~~

(6) an individual who shows that the individual, the individual's child, or another person in the individual's household is a victim of sexual assault or abuse, stalking, or trafficking of persons by providing:

1 (A) a copy of a protective order issued under
2 Chapter 7A or Article 6.09, Code of Criminal Procedure, or a
3 magistrate's order for emergency protection issued under Article
4 17.292, Code of Criminal Procedure; or

5 (B) other independent documentary evidence
6 necessary to show that the individual, the individual's child, or
7 another person in the individual's household is a victim of sexual
8 assault or abuse, stalking, or trafficking of persons;

9 (7) a participant in the address confidentiality
10 program administered by the attorney general under Subchapter C,
11 Chapter 56, Code of Criminal Procedure, who provides proof of
12 certification under Article 56.84, Code of Criminal Procedure;

13 (8) a federal judge, a state judge, or the spouse of a
14 federal judge or state judge;

15 (9) [~~(7)~~] a current or former employee of a district
16 attorney, criminal district attorney, or county or municipal
17 attorney whose jurisdiction includes any criminal law or child
18 protective services matters;

19 (10) [~~(8)~~] an officer or employee of a community
20 supervision and corrections department established under Chapter
21 76, Government Code, who performs a duty described by Section
22 76.004(b) of that code;

23 (11) [~~(9)~~] a criminal investigator of the United
24 States as described by Article 2.122(a), Code of Criminal
25 Procedure;

26 (12) [~~(10)~~] a police officer or inspector of the
27 United States Federal Protective Service;

1 (13) [~~(11)~~] a current or former United States attorney
2 or assistant United States attorney and the spouse and child of the
3 attorney;

4 (14) [~~(12)~~] a current or former employee of the office
5 of the attorney general who is or was assigned to a division of that
6 office the duties of which involve law enforcement;

7 (15) [~~(13)~~] a medical examiner or person who performs
8 forensic analysis or testing who is employed by this state or one or
9 more political subdivisions of this state;

10 (16) [~~(14)~~] a current or former member of the United
11 States armed forces who has served in an area that the president of
12 the United States by executive order designates for purposes of 26
13 U.S.C. Section 112 as an area in which armed forces of the United
14 States are or have engaged in combat;

15 (17) [~~(15)~~] a current or former employee of the Texas
16 Juvenile Justice Department or of the predecessors in function of
17 the department;

18 (18) [~~(16)~~] a current or former juvenile probation or
19 supervision officer certified by the Texas Juvenile Justice
20 Department, or the predecessors in function of the department,
21 under Title 12, Human Resources Code; and

22 (19) [~~(17)~~] a current or former employee of a juvenile
23 justice program or facility, as those terms are defined by Section
24 [261.405](#), Family Code.

25 SECTION 8. This Act takes effect immediately if it receives
26 a vote of two-thirds of all the members elected to each house, as
27 provided by Section [39](#), Article III, Texas Constitution. If this

C.S.H.B. No. 2222

1 Act does not receive the vote necessary for immediate effect, this
2 Act takes effect September 1, 2017.