

By: Herrero, Guillen

H.B. No. 3649

A BILL TO BE ENTITLED

AN ACT

relating to confidential communications of victims of certain family violence offenses.

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

SECTION 1. The heading to Subtitle C, Title 4, Family Code, is amended to read as follows:

SUBTITLE C. ~~[REPORTING]~~ FAMILY VIOLENCE REPORTING AND SERVICES

SECTION 2. Subtitle C, Title 4, Family Code, is amended by adding Chapter 93 to read as follows:

CHAPTER 93. CONFIDENTIAL AND PRIVILEGED COMMUNICATIONS

Sec. 93.001. DEFINITIONS. In this chapter:

(1) "Advocate" means a person who has at least 20 hours of training in assisting victims of family violence and is an employee or volunteer of a family violence center.

(2) "Family violence center" means a public or private nonprofit organization that provides, as its primary purpose, services to victims of family violence, including the services described by Section 51.005(b)(3), Human Resources Code.

(3) "Victim" has the meaning assigned to "victim of family violence" by Section 51.002, Human Resources Code.

Sec. 93.002. CONFIDENTIAL COMMUNICATIONS. A written or oral communication between an advocate and a victim made in the course of advising, advocating for, counseling, or assisting the victim is confidential and may not be disclosed.

1 Sec. 93.003. PRIVILEGED COMMUNICATIONS. (a) A victim has a
2 privilege to refuse to disclose and to prevent another from
3 disclosing a confidential communication described by Section
4 93.002.

5 (b) The privilege may be claimed by:

6 (1) a victim or a victim's attorney on a victim's
7 behalf;

8 (2) a parent, guardian, or conservator of a victim
9 under 18 years of age; or

10 (3) an advocate or a family violence center on a
11 victim's behalf.

12 Sec. 93.004. EXCEPTIONS. (a) A communication that is
13 confidential under this chapter may be disclosed only:

14 (1) to another individual employed by or volunteering
15 for a family violence center for the purpose of furthering the
16 advocacy process;

17 (2) to other persons in the context of a support group
18 or group counseling in which a victim is a participant; or

19 (3) for the purposes of making a report under Chapter
20 261 of this code or Section 48.051, Human Resources Code.

21 (b) Notwithstanding Subsection (a), the Texas Rules of
22 Evidence govern the disclosure of a communication that is
23 confidential under this chapter in a criminal or civil proceeding
24 by an expert witness who relies on facts or data from the
25 communication to form the basis of the expert's opinion.

26 SECTION 3. This Act takes effect September 1, 2017.