

1-1 By: Taylor of Collin, Nelson S.B. No. 256
 1-2 (In the Senate - Filed November 29, 2016; January 30, 2017,
 1-3 read first time and referred to Committee on Criminal Justice;
 1-4 March 23, 2017, reported favorably by the following vote: Yeas 8,
 1-5 Nays 0; March 23, 2017, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14			X	
1-15	X			
1-16	X			

1-17 A BILL TO BE ENTITLED
 1-18 AN ACT

1-19 relating to the confidentiality of home address information of
 1-20 certain victims of family violence, sexual assault or abuse,
 1-21 stalking, or trafficking of persons.

1-22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-23 SECTION 1. The heading to Subchapter C, Chapter 56, Code of
 1-24 Criminal Procedure, is amended to read as follows:

1-25 SUBCHAPTER C. ADDRESS CONFIDENTIALITY PROGRAM FOR VICTIMS OF
 1-26 FAMILY VIOLENCE, SEXUAL ASSAULT OR ABUSE, ~~[OR]~~ STALKING, OR
 1-27 TRAFFICKING OF PERSONS

1-28 SECTION 2. Article 56.81, Code of Criminal Procedure, is
 1-29 amended by adding Subdivisions (3-a), (6-a), (6-b), and (6-c) and
 1-30 amending Subdivision (7) to read as follows:

1-31 (3-a) "Household" has the meaning assigned by Section
 1-32 71.005, Family Code.

1-33 (6-a) "Sexual abuse" means any conduct that
 1-34 constitutes an offense under Section 21.02, 21.11, or 25.02, Penal
 1-35 Code.

1-36 (6-b) "Sexual assault" means any conduct that
 1-37 constitutes an offense under Section 22.011 or 22.021, Penal Code.

1-38 (6-c) "Stalking" means any conduct that constitutes an
 1-39 offense under Section 42.072, Penal Code.

1-40 (7) "Trafficking of persons" means any conduct that
 1-41 constitutes an offense ~~[that may be prosecuted]~~ under Section
 1-42 20A.02, 20A.03, 43.03, 43.04, 43.05, 43.25, 43.251, or 43.26, Penal
 1-43 Code, and that results in a person:

1-44 (A) engaging in forced labor or services; or

1-45 (B) otherwise becoming a victim of the offense.

1-46 SECTION 3. Article 56.82(a), Code of Criminal Procedure, is
 1-47 amended to read as follows:

1-48 (a) The attorney general shall establish an address
 1-49 confidentiality program, as provided by this subchapter, to assist
 1-50 a victim of family violence, sexual assault or abuse, stalking, or
 1-51 trafficking of persons~~[, or an offense under Section 22.011,~~
 1-52 ~~22.021, 25.02, or 42.072, Penal Code,]~~ in maintaining a
 1-53 confidential address.

1-54 SECTION 4. Section 56.83, Code of Criminal Procedure, is
 1-55 amended by amending Subsections (a), (b), and (e) and adding
 1-56 Subsection (e-1) to read as follows:

1-57 (a) To be eligible to participate in the program, an
 1-58 applicant must:

1-59 (1) either:

1-60 (A) meet with a victim's assistance counselor
 1-61 from a state or local agency or other entity, whether for-profit or

2-1 nonprofit, that is identified by the attorney general as an entity
 2-2 that provides counseling and shelter services to victims of family
 2-3 violence, sexual assault or abuse, stalking, or trafficking of
 2-4 persons~~[, or an offense under Section 22.011, 22.021, 25.02, or~~
 2-5 ~~42.072, Penal Code];~~

2-6 (B) be protected under, or be filing an
 2-7 application on behalf of a victim who is the applicant's child or
 2-8 another person in the applicant's household and who is protected
 2-9 under:

2-10 (i) a temporary injunction issued under
 2-11 Subchapter F, Chapter 6, Family Code;

2-12 (ii) a temporary ex parte order issued
 2-13 under Chapter 83, Family Code;

2-14 (iii) an order issued under Chapter 7A or
 2-15 Article 6.09 of this code or Chapter 85, Family Code; or

2-16 (iv) a magistrate's order for emergency
 2-17 protection issued under Article 17.292; or

2-18 (C) possess documentation of family violence, as
 2-19 identified by the rules adopted under this section, or of sexual
 2-20 assault or abuse or stalking, as described by Section 92.0161,
 2-21 Property Code;

2-22 (2) file an application for participation with the
 2-23 attorney general or a state or local agency or other entity
 2-24 identified by the attorney general under Subdivision (1);

2-25 (3) file an affirmation that the applicant has
 2-26 discussed safety planning with a victim's assistance counselor
 2-27 described by Subdivision (1)(A);

2-28 (4) designate the attorney general as agent to receive
 2-29 service of process and mail on behalf of the applicant; and

2-30 (5) ~~[(4)]~~ live at a residential address, or relocate
 2-31 to a residential address, that is unknown to the person who
 2-32 committed or is alleged to have committed the family violence,
 2-33 sexual assault or abuse, stalking, or trafficking of persons~~[, or~~
 2-34 ~~an offense under Section 22.011, 22.021, 25.02, or 42.072, Penal~~
 2-35 ~~Code].~~

2-36 (b) An application under Subsection (a)(2) must contain:

2-37 (1) a signed, sworn statement by the applicant stating
 2-38 that the applicant fears for the safety of the applicant, the
 2-39 applicant's child, or another person in the applicant's household
 2-40 because of a threat of immediate or future harm caused by the person
 2-41 who committed or is alleged to have committed the family violence,
 2-42 sexual assault or abuse, stalking, or [the] trafficking of
 2-43 persons~~[, or an offense under Section 22.011, 22.021, 25.02, or~~
 2-44 ~~42.072, Penal Code];~~

2-45 (2) the applicant's true residential address and, if
 2-46 applicable, the applicant's business and school addresses; and

2-47 (3) a statement by the applicant of whether there is an
 2-48 existing court order or a pending court case for child support or
 2-49 child custody or visitation that involves the applicant, the
 2-50 applicant's child, or another person in the applicant's household
 2-51 and, if so, the name and address of:

2-52 (A) the legal counsel of record; and

2-53 (B) each parent involved in the court order or
 2-54 pending case.

2-55 (e) The attorney general by rule may establish additional
 2-56 eligibility requirements for participation in the program that are
 2-57 consistent with the purpose of the program as stated in Article
 2-58 56.82(a).

2-59 (e-1) The attorney general may establish procedures for
 2-60 requiring an applicant, in appropriate circumstances, to submit
 2-61 with the application under Subsection (a)(2) independent
 2-62 documentary evidence of family violence, sexual assault or abuse,
 2-63 stalking, or trafficking of persons~~[, or an offense under Section~~
 2-64 ~~22.011, 22.021, 25.02, or 42.072, Penal Code,] in the form of:~~

2-65 (1) an active or recently issued [protective] order
 2-66 described by Subsection (a)(1)(B);

2-67 (2) an incident report or other record maintained by a
 2-68 law enforcement agency or official;

2-69 (3) a statement of a physician or other health care

3-1 provider regarding the ~~[applicant's]~~ medical condition of the
 3-2 applicant, applicant's child, or other person in the applicant's
 3-3 household as a result of the family violence, sexual assault or
 3-4 abuse, stalking, or trafficking of persons~~[, or offense]~~; ~~[or]~~

3-5 (4) a statement of a mental health professional, a
 3-6 member of the clergy, an attorney or other legal advocate, a trained
 3-7 staff member of a family violence center, or another professional
 3-8 who has assisted the applicant, applicant's child, or other person
 3-9 in the applicant's household in addressing the effects of the
 3-10 family violence, sexual assault or abuse, stalking, or trafficking
 3-11 of persons; or

3-12 (5) any other independent documentary evidence
 3-13 necessary to show the applicant's eligibility to participate in the
 3-14 program~~[, or offense]~~.

3-15 SECTION 5. Article 56.90(a), Code of Criminal Procedure, is
 3-16 amended to read as follows:

3-17 (a) The attorney general:

3-18 (1) shall disclose a participant's true residential,
 3-19 business, or school address if:

3-20 (A) requested by:

3-21 (i) a law enforcement agency for the
 3-22 purpose of conducting an investigation;

3-23 (ii) the Department of Family and
 3-24 Protective Services for the purpose of conducting a child
 3-25 protective services investigation under Chapter 261, Family Code;
 3-26 or

3-27 (iii) the Department of State Health
 3-28 Services or a local health authority for the purpose of making a
 3-29 notification described by Article 21.31 of this code, Section
 3-30 54.033, Family Code, or Section 81.051, Health and Safety Code; or

3-31 (B) required by court order; and

3-32 (2) may disclose a participant's true residential,
 3-33 business, or school address if:

3-34 (A) the participant consents to the disclosure;
 3-35 and

3-36 (B) the disclosure is necessary to administer the
 3-37 program.

3-38 SECTION 6. Section 13.004(c), Election Code, is amended to
 3-39 read as follows:

3-40 (c) The following information furnished on a registration
 3-41 application is confidential and does not constitute public
 3-42 information for purposes of Chapter 552, Government Code:

3-43 (1) a social security number;

3-44 (2) a Texas driver's license number;

3-45 (3) a number of a personal identification card issued
 3-46 by the Department of Public Safety;

3-47 (4) an indication that an applicant is interested in
 3-48 working as an election judge; ~~[or]~~

3-49 (5) the residence address of the applicant, if the
 3-50 applicant is a federal judge or state judge, as defined by Section
 3-51 13.0021, the spouse of a federal judge or state judge, or an
 3-52 individual to whom Section 552.1175, Government Code, applies and
 3-53 the applicant:

3-54 (A) included an affidavit with the registration
 3-55 application describing the applicant's status under this
 3-56 subdivision, including an affidavit under Section 13.0021 if the
 3-57 applicant is a federal judge or state judge or the spouse of a
 3-58 federal judge or state judge;

3-59 (B) provided the registrar with an affidavit
 3-60 describing the applicant's status under this subdivision,
 3-61 including an affidavit under Section 15.0215 if the applicant is a
 3-62 federal judge or state judge or the spouse of a federal judge or
 3-63 state judge; or

3-64 (C) provided the registrar with a completed form
 3-65 approved by the secretary of state for the purpose of notifying the
 3-66 registrar of the applicant's status under this subdivision;

3-67 (6) the residence address of the applicant, if the
 3-68 applicant, the applicant's child, or another person in the
 3-69 applicant's household is a victim of family violence as defined by

4-1 Section 71.004, Family Code, who provided the registrar with:
 4-2 (A) a copy of a protective order issued under
 4-3 Chapter 85, Family Code, or a magistrate's order for emergency
 4-4 protection issued under Article 17.292, Code of Criminal Procedure;
 4-5 or
 4-6 (B) other independent documentary evidence
 4-7 necessary to show that the applicant, the applicant's child, or
 4-8 another person in the applicant's household is a victim of family
 4-9 violence;
 4-10 (7) the residence address of the applicant, if the
 4-11 applicant, the applicant's child, or another person in the
 4-12 applicant's household is a victim of sexual assault or abuse,
 4-13 stalking, or trafficking of persons who provided the registrar
 4-14 with:
 4-15 (A) a copy of a protective order issued under
 4-16 Chapter 7A or Article 6.09, Code of Criminal Procedure, or a
 4-17 magistrate's order for emergency protection issued under Article
 4-18 17.292, Code of Criminal Procedure; or
 4-19 (B) other independent documentary evidence
 4-20 necessary to show that the applicant, the applicant's child, or
 4-21 another person in the applicant's household is a victim of sexual
 4-22 assault or abuse, stalking, or trafficking of persons; or
 4-23 (8) the residence address of the applicant, if the
 4-24 applicant:
 4-25 (A) is a participant in the address
 4-26 confidentiality program administered by the attorney general under
 4-27 Subchapter C, Chapter 56, Code of Criminal Procedure; and
 4-28 (B) provided the registrar with proof of
 4-29 certification under Article 56.84, Code of Criminal Procedure.
 4-30 SECTION 7. Section 25.025(a), Tax Code, is amended to read
 4-31 as follows:
 4-32 (a) This section applies only to:
 4-33 (1) a current or former peace officer as defined by
 4-34 Article 2.12, Code of Criminal Procedure;
 4-35 (2) a county jailer as defined by Section 1701.001,
 4-36 Occupations Code;
 4-37 (3) an employee of the Texas Department of Criminal
 4-38 Justice;
 4-39 (4) a commissioned security officer as defined by
 4-40 Section 1702.002, Occupations Code;
 4-41 (5) an individual who shows that the individual, the
 4-42 individual's child, or another person in the individual's household
 4-43 is a victim of family violence as defined by Section 71.004, Family
 4-44 Code, by providing:
 4-45 (A) a copy of a protective order issued under
 4-46 Chapter 85, Family Code, or a magistrate's order for emergency
 4-47 protection issued under Article 17.292, Code of Criminal Procedure;
 4-48 or
 4-49 (B) other independent documentary evidence
 4-50 necessary to show that the individual, the individual's child, or
 4-51 another person in the individual's household is a victim of family
 4-52 violence [if as a result of the act of family violence against the
 4-53 victim, the actor is convicted of a felony or a Class A
 4-54 misdemeanor];
 4-55 (6) an individual who shows that the individual, the
 4-56 individual's child, or another person in the individual's household
 4-57 is a victim of sexual assault or abuse, stalking, or trafficking of
 4-58 persons by providing:
 4-59 (A) a copy of a protective order issued under
 4-60 Chapter 7A or Article 6.09, Code of Criminal Procedure, or a
 4-61 magistrate's order for emergency protection issued under Article
 4-62 17.292, Code of Criminal Procedure; or
 4-63 (B) other independent documentary evidence
 4-64 necessary to show that the individual, the individual's child, or
 4-65 another person in the individual's household is a victim of sexual
 4-66 assault or abuse, stalking, or trafficking of persons;
 4-67 (7) a participant in the address confidentiality
 4-68 program administered by the attorney general under Subchapter C,
 4-69 Chapter 56, Code of Criminal Procedure, who provides proof of

5-1 certification under Article 56.84, Code of Criminal Procedure;
5-2 (8) a federal judge, a state judge, or the spouse of a
5-3 federal judge or state judge;
5-4 (9) [~~(7)~~] a current or former employee of a district
5-5 attorney, criminal district attorney, or county or municipal
5-6 attorney whose jurisdiction includes any criminal law or child
5-7 protective services matters;
5-8 (10) [~~(8)~~] an officer or employee of a community
5-9 supervision and corrections department established under Chapter
5-10 76, Government Code, who performs a duty described by Section
5-11 76.004(b) of that code;
5-12 (11) [~~(9)~~] a criminal investigator of the United
5-13 States as described by Article 2.122(a), Code of Criminal
5-14 Procedure;
5-15 (12) [~~(10)~~] a police officer or inspector of the
5-16 United States Federal Protective Service;
5-17 (13) [~~(11)~~] a current or former United States attorney
5-18 or assistant United States attorney and the spouse and child of the
5-19 attorney;
5-20 (14) [~~(12)~~] a current or former employee of the office
5-21 of the attorney general who is or was assigned to a division of that
5-22 office the duties of which involve law enforcement;
5-23 (15) [~~(13)~~] a medical examiner or person who performs
5-24 forensic analysis or testing who is employed by this state or one or
5-25 more political subdivisions of this state;
5-26 (16) [~~(14)~~] a current or former member of the United
5-27 States armed forces who has served in an area that the president of
5-28 the United States by executive order designates for purposes of 26
5-29 U.S.C. Section 112 as an area in which armed forces of the United
5-30 States are or have engaged in combat;
5-31 (17) [~~(15)~~] a current or former employee of the Texas
5-32 Juvenile Justice Department or of the predecessors in function of
5-33 the department;
5-34 (18) [~~(16)~~] a current or former juvenile probation or
5-35 supervision officer certified by the Texas Juvenile Justice
5-36 Department, or the predecessors in function of the department,
5-37 under Title 12, Human Resources Code; and
5-38 (19) [~~(17)~~] a current or former employee of a juvenile
5-39 justice program or facility, as those terms are defined by Section
5-40 261.405, Family Code.

5-41 SECTION 8. This Act takes effect immediately if it receives
5-42 a vote of two-thirds of all the members elected to each house, as
5-43 provided by Section 39, Article III, Texas Constitution. If this
5-44 Act does not receive the vote necessary for immediate effect, this
5-45 Act takes effect September 1, 2017.

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