

By: Rodríguez, et al.
(Burkett)

S.B. No. 1242

A BILL TO BE ENTITLED

AN ACT

relating to the confidentiality of certain personal information of an applicant for or a person protected by a protective order.

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

SECTION 1. Subchapter A, Chapter 82, Family Code, is amended by adding Section 82.011 to read as follows:

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

(1) requiring the applicant to:

(A) disclose the applicant's mailing address to the court;

(B) designate a person to receive on behalf of the applicant any notice or documents filed with the court related to the application; and

(C) disclose the designated person's mailing address to the court;

(2) requiring the court clerk to:

(A) strike the applicant's mailing address from the public records of the court, if applicable; and

(B) 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.

1 SECTION 2. Section 82.041(a), Family Code, is amended to
2 read as follows:

3 (a) A notice of an application for a protective order must:

4 (1) be styled "The State of Texas";

5 (2) be signed by the clerk of the court under the
6 court's seal;

7 (3) contain the name and location of the court;

8 (4) show the date the application was filed;

9 (5) show the date notice of the application for a
10 protective order was issued;

11 (6) show the date, time, and place of the hearing;

12 (7) show the file number;

13 (8) show the name of each applicant and each person
14 alleged to have committed family violence;

15 (9) be directed to each person alleged to have
16 committed family violence;

17 (10) show:

18 (A) the name and address of the attorney for the
19 applicant; or

20 (B) [~~the mailing address of the applicant,~~] if
21 the applicant is not represented by an attorney:

22 (i) the mailing address of the applicant;

23 or

24 (ii) if applicable, the name and mailing
25 address of the person designated under Section 82.011; and

26 (11) contain the address of the clerk of the court.

27 SECTION 3. Section 85.007(b), Family Code, is amended to

1 read as follows:

2 (b) On granting a request for confidentiality under this
3 section, the court shall order the clerk to:

4 (1) strike the information described by Subsection (a)
5 from the public records of the court; and

6 (2) maintain a confidential record of the information
7 for use only by:

8 (A) the court; or

9 (B) a law enforcement agency for purposes of
10 entering the information required by Section 411.042(b)(6),
11 Government Code, into the statewide law enforcement information
12 system maintained by the Department of Public Safety.

13 SECTION 4. Section 411.042(b), Government Code, is amended
14 to read as follows:

15 (b) The bureau of identification and records shall:

16 (1) procure and file for record photographs, pictures,
17 descriptions, fingerprints, measurements, and other pertinent
18 information of all persons arrested for or charged with a criminal
19 offense or convicted of a criminal offense, regardless of whether
20 the conviction is probated;

21 (2) collect information concerning the number and
22 nature of offenses reported or known to have been committed in the
23 state and the legal steps taken in connection with the offenses, and
24 other information useful in the study of crime and the
25 administration of justice, including information that enables the
26 bureau to create a statistical breakdown of:

27 (A) offenses in which family violence was

1 involved;

2 (B) offenses under Sections 22.011 and 22.021,
3 Penal Code; and

4 (C) offenses under Sections 20A.02 and 43.05,
5 Penal Code;

6 (3) make ballistic tests of bullets and firearms and
7 chemical analyses of bloodstains, cloth, materials, and other
8 substances for law enforcement officers of the state;

9 (4) cooperate with identification and crime records
10 bureaus in other states and the United States Department of
11 Justice;

12 (5) maintain a list of all previous background checks
13 for applicants for any position regulated under Chapter 1702,
14 Occupations Code, who have undergone a criminal history background
15 check under Section 411.119, if the check indicates a Class B
16 misdemeanor or equivalent offense or a greater offense;

17 (6) collect information concerning the number and
18 nature of protective orders and magistrate's orders of emergency
19 protection and all other pertinent information about all persons
20 subject to active orders, including pertinent information about
21 persons subject to conditions of bond imposed for the protection of
22 the victim in any family violence, sexual assault or abuse,
23 stalking, or trafficking case. Information in the law enforcement
24 information system relating to an active order shall include:

25 (A) the name, sex, race, date of birth, personal
26 descriptors, address, and county of residence of the person to whom
27 the order is directed;

1 (B) any known identifying number of the person to
2 whom the order is directed, including the person's social security
3 number or driver's license number;

4 (C) the name and county of residence of the
5 person protected by the order;

6 (D) the residence address and place of employment
7 or business of the person protected by the order, unless that
8 information is excluded from the order under [~~Section 85.007,~~
9 ~~Family Code, or~~] Article 17.292(e), Code of Criminal Procedure;

10 (E) the child-care facility or school where a
11 child protected by the order normally resides or which the child
12 normally attends, unless that information is excluded from the
13 order under [~~Section 85.007, Family Code, or~~] Article 17.292(e),
14 Code of Criminal Procedure;

15 (F) the relationship or former relationship
16 between the person who is protected by the order and the person to
17 whom the order is directed;

18 (G) the conditions of bond imposed on the person
19 to whom the order is directed, if any, for the protection of a
20 victim in any family violence, sexual assault or abuse, stalking,
21 or trafficking case;

22 (H) any minimum distance the person subject to
23 the order is required to maintain from the protected places or
24 persons; and

25 (I) the date the order expires;

26 (7) grant access to criminal history record
27 information in the manner authorized under Subchapter F;

1 (8) collect and disseminate information regarding
2 offenders with mental impairments in compliance with Chapter 614,
3 Health and Safety Code; and

4 (9) record data and maintain a state database for a
5 computerized criminal history record system and computerized
6 juvenile justice information system that serves:

7 (A) as the record creation point for criminal
8 history record information and juvenile justice information
9 maintained by the state; and

10 (B) as the control terminal for the entry of
11 records, in accordance with federal law and regulations, federal
12 executive orders, and federal policy, into the federal database
13 maintained by the Federal Bureau of Investigation.

14 SECTION 5. Section 82.011, Family Code, as added by this
15 Act, applies only to an application for a protective order that is
16 filed on or after the effective date of this Act. An application
17 for a protective order filed before the effective date of this Act
18 is governed by the law in effect on the date the application is
19 filed, and the former law is continued in effect for that purpose.

20 SECTION 6. Section 85.007, Family Code, and Section
21 411.042, Government Code, as amended by this Act, apply to a
22 protective order issued on or after the effective date of this Act,
23 regardless of whether the conduct on which the order is based
24 occurred before, on, or after that date.

25 SECTION 7. This Act takes effect September 1, 2017.