

1-1 By: Rodríguez S.B. No. 1242
1-2 (In the Senate - Filed March 3, 2017; March 13, 2017, read
1-3 first time and referred to Committee on State Affairs;
1-4 April 11, 2017, reported favorably by the following vote: Yeas 9,
1-5 Nays 0; April 11, 2017, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	Huffman	X		
1-9	Hughes	X		
1-10	Birdwell	X		
1-11	Creighton	X		
1-12	Estes	X		
1-13	Lucio	X		
1-14	Nelson	X		
1-15	Schwertner	X		
1-16	Zaffirini	X		

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

1-19 relating to the confidentiality of certain personal information of
1-20 an applicant for or a person protected by a protective order.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-22 SECTION 1. Subchapter A, Chapter 82, Family Code, is
1-23 amended by adding Section 82.011 to read as follows:

1-24 Sec. 82.011. CONFIDENTIALITY OF CERTAIN INFORMATION. On
1-25 request by an applicant, the court may protect the applicant's
1-26 mailing address by rendering an order:

1-27 (1) requiring the applicant to:

1-28 (A) disclose the applicant's mailing address to
1-29 the court;

1-30 (B) designate a person to receive on behalf of
1-31 the applicant any notice or documents filed with the court related
1-32 to the application; and

1-33 (C) disclose the designated person's mailing
1-34 address to the court;

1-35 (2) requiring the court clerk to:

1-36 (A) strike the applicant's mailing address from
1-37 the public records of the court, if applicable; and

1-38 (B) maintain a confidential record of the
1-39 applicant's mailing address for use only by the court; and

1-40 (3) prohibiting the release of the information to the
1-41 respondent.

1-42 SECTION 2. Section 82.041(a), Family Code, is amended to
1-43 read as follows:

1-44 (a) A notice of an application for a protective order must:

1-45 (1) be styled "The State of Texas";

1-46 (2) be signed by the clerk of the court under the
1-47 court's seal;

1-48 (3) contain the name and location of the court;

1-49 (4) show the date the application was filed;

1-50 (5) show the date notice of the application for a
1-51 protective order was issued;

1-52 (6) show the date, time, and place of the hearing;

1-53 (7) show the file number;

1-54 (8) show the name of each applicant and each person
1-55 alleged to have committed family violence;

1-56 (9) be directed to each person alleged to have
1-57 committed family violence;

1-58 (10) show:

1-59 (A) the name and address of the attorney for the
1-60 applicant; or

1-61 (B) ~~the mailing address of the applicant,~~ if

2-1 the applicant is not represented by an attorney:
2-2 (i) the mailing address of the applicant;
2-3 or
2-4 (ii) if applicable, the name and mailing
2-5 address of the person designated under Section 82.011; and
2-6 (11) contain the address of the clerk of the court.

2-7 SECTION 3. Section 85.007(b), Family Code, is amended to
2-8 read as follows:

2-9 (b) On granting a request for confidentiality under this
2-10 section, the court shall order the clerk to:

2-11 (1) strike the information described by Subsection (a)
2-12 from the public records of the court; and

2-13 (2) maintain a confidential record of the information
2-14 for use only by:

2-15 (A) the court; or

2-16 (B) a law enforcement agency for purposes of
2-17 entering the information required by Section 411.042(b)(6),
2-18 Government Code, into the statewide law enforcement information
2-19 system maintained by the Department of Public Safety.

2-20 SECTION 4. Section 411.042(b), Government Code, is amended
2-21 to read as follows:

2-22 (b) The bureau of identification and records shall:

2-23 (1) procure and file for record photographs, pictures,
2-24 descriptions, fingerprints, measurements, and other pertinent
2-25 information of all persons arrested for or charged with a criminal
2-26 offense or convicted of a criminal offense, regardless of whether
2-27 the conviction is probated;

2-28 (2) collect information concerning the number and
2-29 nature of offenses reported or known to have been committed in the
2-30 state and the legal steps taken in connection with the offenses, and
2-31 other information useful in the study of crime and the
2-32 administration of justice, including information that enables the
2-33 bureau to create a statistical breakdown of:

2-34 (A) offenses in which family violence was
2-35 involved;

2-36 (B) offenses under Sections 22.011 and 22.021,
2-37 Penal Code; and

2-38 (C) offenses under Sections 20A.02 and 43.05,
2-39 Penal Code;

2-40 (3) make ballistic tests of bullets and firearms and
2-41 chemical analyses of bloodstains, cloth, materials, and other
2-42 substances for law enforcement officers of the state;

2-43 (4) cooperate with identification and crime records
2-44 bureaus in other states and the United States Department of
2-45 Justice;

2-46 (5) maintain a list of all previous background checks
2-47 for applicants for any position regulated under Chapter 1702,
2-48 Occupations Code, who have undergone a criminal history background
2-49 check under Section 411.119, if the check indicates a Class B
2-50 misdemeanor or equivalent offense or a greater offense;

2-51 (6) collect information concerning the number and
2-52 nature of protective orders and magistrate's orders of emergency
2-53 protection and all other pertinent information about all persons
2-54 subject to active orders, including pertinent information about
2-55 persons subject to conditions of bond imposed for the protection of
2-56 the victim in any family violence, sexual assault or abuse,
2-57 stalking, or trafficking case. Information in the law enforcement
2-58 information system relating to an active order shall include:

2-59 (A) the name, sex, race, date of birth, personal
2-60 descriptors, address, and county of residence of the person to whom
2-61 the order is directed;

2-62 (B) any known identifying number of the person to
2-63 whom the order is directed, including the person's social security
2-64 number or driver's license number;

2-65 (C) the name and county of residence of the
2-66 person protected by the order;

2-67 (D) the residence address and place of employment
2-68 or business of the person protected by the order, unless that
2-69 information is excluded from the order under ~~Section 85.007,~~

3-1 ~~Family Code, or~~ Article 17.292(e), Code of Criminal Procedure;
3-2 (E) the child-care facility or school where a
3-3 child protected by the order normally resides or which the child
3-4 normally attends, unless that information is excluded from the
3-5 order under [~~Section 85.007, Family Code, or~~] Article 17.292(e),
3-6 Code of Criminal Procedure;
3-7 (F) the relationship or former relationship
3-8 between the person who is protected by the order and the person to
3-9 whom the order is directed;
3-10 (G) the conditions of bond imposed on the person
3-11 to whom the order is directed, if any, for the protection of a
3-12 victim in any family violence, sexual assault or abuse, stalking,
3-13 or trafficking case;
3-14 (H) any minimum distance the person subject to
3-15 the order is required to maintain from the protected places or
3-16 persons; and
3-17 (I) the date the order expires;
3-18 (7) grant access to criminal history record
3-19 information in the manner authorized under Subchapter F;
3-20 (8) collect and disseminate information regarding
3-21 offenders with mental impairments in compliance with Chapter 614,
3-22 Health and Safety Code; and
3-23 (9) record data and maintain a state database for a
3-24 computerized criminal history record system and computerized
3-25 juvenile justice information system that serves:
3-26 (A) as the record creation point for criminal
3-27 history record information and juvenile justice information
3-28 maintained by the state; and
3-29 (B) as the control terminal for the entry of
3-30 records, in accordance with federal law and regulations, federal
3-31 executive orders, and federal policy, into the federal database
3-32 maintained by the Federal Bureau of Investigation.
3-33 SECTION 5. Section 82.011, Family Code, as added by this
3-34 Act, applies only to an application for a protective order that is
3-35 filed on or after the effective date of this Act. An application
3-36 for a protective order filed before the effective date of this Act
3-37 is governed by the law in effect on the date the application is
3-38 filed, and the former law is continued in effect for that purpose.
3-39 SECTION 6. Section 85.007, Family Code, and Section
3-40 411.042, Government Code, as amended by this Act, apply to a
3-41 protective order issued on or after the effective date of this Act,
3-42 regardless of whether the conduct on which the order is based
3-43 occurred before, on, or after that date.
3-44 SECTION 7. This Act takes effect September 1, 2017.

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