

BILL ANALYSIS

Senate Research Center
86R19332 BEF-D

H.B. 3091
By: Deshotel et al. (Campbell)
Criminal Justice
5/17/2019
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

H.B. 3091 amends current law relating to the confidentiality of and prohibiting disclosure of the location or physical layout of a family violence shelter center or victims of trafficking shelter center and creates a criminal offense.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 552.138, Government Code, by amending Subsections (b) and (c) and adding Subsection (b-1), as follows:

(b) Provides that information maintained by a family violence shelter center, victims of trafficking shelter center, or sexual assault program is excepted from the requirements of Section 552.021 (Availability of Public Information) if it is information that relates to:

(1) makes no changes to this subdivision;

(2) deletes existing text relating to the location or physical layout of a family violence shelter center or victims of trafficking shelter center, creates this subdivision from existing Subdivision (3), and renumbers subsequent subdivisions accordingly; or

(3)–(5) makes no further changes to these subdivisions.

(b-1) Provides that information that relates to the location or physical layout of a family violence shelter center or victims of trafficking shelter center is confidential.

(c) Authorizes a governmental body to redact information maintained by a family violence shelter center, victims of trafficking shelter center, or sexual assault program that may be withheld under Subsection (b)(1) or (5) or that is confidential under Subsection (b-1), rather than may be withheld under Subsection (b)(1) or (6), from any information the governmental body discloses under Section 552.021 without the necessity of requesting a decision from the Texas attorney general under Subchapter G (Attorney General Decisions).

SECTION 2. Amends Chapter 42, Penal Code, by adding Section 42.075, as follows:

Sec. 42.075. DISCLOSURE OF CONFIDENTIAL INFORMATION REGARDING FAMILY VIOLENCE OR VICTIMS OF TRAFFICKING SHELTER CENTER. (a) Defines "family violence shelter center" and "victims of trafficking shelter center" for purposes of this section.

(b) Provides that a person commits an offense if the person, with the intent to threaten the safety of any inhabitant of a family violence shelter center or victims

of trafficking shelter center, discloses or publicizes the location or physical layout of the center.

(c) Provides that an offense under this section is a Class A misdemeanor.

(d) Provides that if conduct constituting an offense under this section also constitutes an offense under Section 552.352 (Distribution or Misuse of Confidential Information), Government Code, the actor is authorized to be prosecuted under either section.

SECTION 3. Makes application of this Act prospective.

SECTION 4. Effective date: September 1, 2019.