

BILL ANALYSIS

C.S.H.B. 3637
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Criminal Jurisprudence
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Concerns have been raised that the confidentiality of some information relating to certain protective orders makes it difficult for law enforcement to access details necessary for the enforcement of these protective orders. C.S.H.B. 3637 seeks to address this issue by providing for the access to this information by law enforcement.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 3637 amends the Code of Criminal Procedure to authorize a court issuing an order for emergency protection, on request by a person protected by the order or if determined necessary by the magistrate, to protect the person's mailing address by rendering an order:

- requiring the person protected under the order to:
 - disclose the person's mailing address to the court;
 - designate another person to receive on behalf of the person any notice or documents filed with the court related to the order; and
 - disclose the designated person's mailing address to the court;
- requiring the county clerk to:
 - strike the mailing address of the person protected by the order from the public records of the court, if applicable; and
 - maintain a confidential record of the mailing address for use only by the court or a law enforcement agency for purposes of entering the information into the statewide law enforcement information system maintained by the Department of Public Safety; and
- prohibiting the release of the information to the defendant.

C.S.H.B. 3637 amends the Government Code to remove the conditions under which the following information is exempted from inclusion within the bureau of identification and records:

- the residence address and place of employment or business of a person protected by a

protective order; and

- the child-care facility or school where a child protected by the order normally resides or which the child normally attends.

EFFECTIVE DATE

September 1, 2019.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 3637 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute does not include an authorization for the court to designate a general geographic area in which an omitted location or protected address is located that a defendant in a case involving family violence is prohibited from entering.