

By: Guillen

H.B. No. 3637

Substitute the following for H.B. No. 3637:

By: Moody

C.S.H.B. No. 3637

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to the confidentiality of certain personal information of  
3 a person protected by a magistrate's order for emergency  
4 protection.

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

6 SECTION 1. Chapter 17, Code of Criminal Procedure, is  
7 amended by adding Article 17.294 to read as follows:

8 Art. 17.294. CONFIDENTIALITY OF CERTAIN INFORMATION IN  
9 ORDER FOR EMERGENCY PROTECTION. On request by a person protected by  
10 an order for emergency protection issued under Article 17.292, or  
11 if determined necessary by the magistrate, the court issuing the  
12 order may protect the person's mailing address by rendering an  
13 order:

14 (1) requiring the person protected under the order to:  
15 (A) disclose the person's mailing address to the  
16 court;

17 (B) designate another person to receive on behalf  
18 of the person any notice or documents filed with the court related  
19 to the order; and

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

22 (2) requiring the court clerk to:

23 (A) strike the mailing address of the person  
24 protected by the order from the public records of the court, if

1 applicable; and

2 (B) maintain a confidential record of the mailing  
3 address for use only by:

4 (i) the court; or

5 (ii) a law enforcement agency for purposes  
6 of entering the information required by Section 411.042(b)(6),  
7 Government Code, into the statewide law enforcement information  
8 system maintained by the Department of Public Safety; and

9 (3) prohibiting the release of the information to the  
10 defendant.

11 SECTION 2. Section 411.042(b), Government Code, is amended  
12 to read as follows:

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

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

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

25 (A) offenses in which family violence was  
26 involved;

27 (B) offenses under Sections 22.011 and 22.021,

1 Penal Code; and

2 (C) offenses under Sections 20A.02, 43.02(a),  
3 43.02(b), 43.03, and 43.05, Penal Code;

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

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

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

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

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

26 (B) any known identifying number of the person to  
27 whom the order is directed, including the person's social security

1 number or driver's license number;

2 (C) the name and county of residence of the  
3 person protected by the order;

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

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

12 (F) the relationship or former relationship  
13 between the person who is protected by the order and the person to  
14 whom the order is directed;

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

19 (H) any minimum distance the person subject to  
20 the order is required to maintain from the protected places or  
21 persons; and

22 (I) the date the order expires;

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

25 (8) collect and disseminate information regarding  
26 offenders with mental impairments in compliance with Chapter 614,  
27 Health and Safety Code; and

1           (9) record data and maintain a state database for a  
2 computerized criminal history record system and computerized  
3 juvenile justice information system that serves:

4           (A) as the record creation point for criminal  
5 history record information and juvenile justice information  
6 maintained by the state; and

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

11         SECTION 3. The changes in law made by this Act apply only to  
12 a magistrate's order for emergency protection issued on or after  
13 the effective date of this Act. An order issued before the  
14 effective date of this Act is governed by the law in effect on the  
15 date the order was issued, and the former law is continued in effect  
16 for that purpose.

17         SECTION 4. This Act takes effect September 1, 2019.