

By: Guillen

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. Article 17.49, Code of Criminal Procedure, is
12 amended by adding Subsection (c-1) to read as follows:

13 (c-1) Notwithstanding Subsections (b) and (c), if a
14 specific description of a location is omitted under Article
15 17.292(e) or a mailing address is protected under Article 17.294,
16 in the order under this article, the court may designate a general
17 geographic area in which the omitted location or protected address
18 is located that the defendant may not enter. The geographic area
19 designated by the court must be of a sufficient size that it would
20 be difficult for the defendant to locate the victim within that
21 area.

22 SECTION 3. Section 411.042(b), Government Code, is amended
23 to read as follows:

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

25 (1) procure and file for record photographs, pictures,
26 descriptions, fingerprints, measurements, and other pertinent
27 information of all persons arrested for or charged with a criminal

1 offense or convicted of a criminal offense, regardless of whether
2 the conviction is probated;

3 (2) collect information concerning the number and
4 nature of offenses reported or known to have been committed in the
5 state and the legal steps taken in connection with the offenses, and
6 other information useful in the study of crime and the
7 administration of justice, including information that enables the
8 bureau to create a statistical breakdown of:

9 (A) offenses in which family violence was
10 involved;

11 (B) offenses under Sections 22.011 and 22.021,
12 Penal Code; and

13 (C) offenses under Sections 20A.02, 43.02(a),
14 43.02(b), 43.03, and 43.05, Penal Code;

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

18 (4) cooperate with identification and crime records
19 bureaus in other states and the United States Department of
20 Justice;

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

26 (6) collect information concerning the number and
27 nature of protective orders and magistrate's orders of emergency

1 protection and all other pertinent information about all persons
2 subject to active orders, including pertinent information about
3 persons subject to conditions of bond imposed for the protection of
4 the victim in any family violence, sexual assault or abuse,
5 stalking, or trafficking case. Information in the law enforcement
6 information system relating to an active order shall include:

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

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

13 (C) the name and county of residence of the
14 person protected by the order;

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

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

23 (F) the relationship or former relationship
24 between the person who is protected by the order and the person to
25 whom the order is directed;

26 (G) the conditions of bond imposed on the person
27 to whom the order is directed, if any, for the protection of a

1 victim in any family violence, sexual assault or abuse, stalking,
2 or trafficking case;

3 (H) any minimum distance the person subject to
4 the order is required to maintain from the protected places or
5 persons; and

6 (I) the date the order expires;

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

9 (8) collect and disseminate information regarding
10 offenders with mental impairments in compliance with Chapter 614,
11 Health and Safety Code; and

12 (9) record data and maintain a state database for a
13 computerized criminal history record system and computerized
14 juvenile justice information system that serves:

15 (A) as the record creation point for criminal
16 history record information and juvenile justice information
17 maintained by the state; and

18 (B) as the control terminal for the entry of
19 records, in accordance with federal law and regulations, federal
20 executive orders, and federal policy, into the federal database
21 maintained by the Federal Bureau of Investigation.

22 SECTION 4. The changes in law made by this Act apply only to
23 a magistrate's order for emergency protection issued on or after
24 the effective date of this Act. An order issued before the
25 effective date of this Act is governed by the law in effect on the
26 date the order was issued, and the former law is continued in effect
27 for that purpose.

1 SECTION 5. This Act takes effect September 1, 2019.