

BILL ANALYSIS

Senate Research Center
88R346 JCG-D

H.B. 1161
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Criminal Justice
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

In many states, voter registration rolls and driver's licenses are accessible public records. These records include the names and addresses of state residents—including survivors and their families. Consequently, perpetrators, can obtain a survivor's physical address and trigger additional trauma by initiating unwanted contact, communicating threats, or worse. Address confidentiality programs (ACP) empower survivors of certain violent and abusive crimes to rebuild their lives by shielding survivors' addresses from public records, so that abusers cannot use public resources to locate survivors and harass and harm them again.

Similar to child sex trafficking and exploitation survivors, child abduction survivors and their families are susceptible to harassments and attempts by perpetrators to initiate unwanted contact, including continued threats of criminal activity, especially in the case of familial abductions. Last year, 250 child abductions relating to Texas residents were reported to NCMEC with many of these reports involving a familial abduction. Allowing child abduction survivors and their families to enroll in the ACP program will provide them with the same protections available to other child victims in Texas and further ensure that public agencies will shield survivor addresses and prevent perpetrators from disturbing a survivor's recovery.

Texas has been proactive on missing and exploited child protection issues and an early adopter of address confidentiality safeguards. Texas's current address confidentiality statute explicitly provides protections for survivors of family violence, sexual assault or abuse, stalking, or trafficking of persons—but child survivors of abduction are not identified as eligible program participants.

H.B. 1161 would more completely prioritize child protection in the address confidentiality statute by adding the term "child abduction" to every instance where eligible program participants are listed in the statute.

H.B. 1161 amends current law relating to the confidentiality of home address information for victims of child abduction and to the administration of the address confidentiality program by the office of the attorney general.

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 Article 58.051, Code of Criminal Procedure, by adding Subdivision (1-a) to define "child abduction."

SECTION 2. Amends Article 58.052(a), Code of Criminal Procedure, to require the attorney general to establish an address confidentiality program, as provided by Subchapter B (Address Confidentiality Program for Certain Crime Victims), to assist certain victims, including victims of child abduction, in maintaining a confidential address.

SECTION 3. Amends Article 58.054, Code of Criminal Procedure, as follows:

Art. 58.054. ELIGIBILITY. Provides that, to be eligible to participate in the program:

(1) an applicant is required to satisfy any of the following:

(A) meet with a victim's assistance counselor from a state or local agency or other for-profit or nonprofit entity that is identified by the attorney general as an entity that provides shelter or civil legal services or counseling to certain victims, including victims of child abduction;

(B) makes no changes to this subdivision;

(C) possess documentation of certain offenses, including child abduction or trafficking of persons, as identified by the rules adopted under Article 58.056 (Application and Eligibility Rules and Procedures), or of sexual assault or abuse or stalking, as described by Section 92.0161 (Right to Vacate and Avoid Liability Following Certain Sex Offenses or Stalking), Property Code; and

(2) an applicant is required to satisfy all of the following:

(A)-(C) makes no changes to these paragraphs; and

(D) live at a residential address, or relocate to a residential address, that is unknown to the person who committed or is alleged to have committed certain offenses, including child abduction.

SECTION 4. Amends Article 58.055(a), Code of Criminal Procedure, as follows:

(a) Requires that an application under Article 58.054(2)(A) (relating to requiring an applicant to file an application for participation with the attorney general or a state or local agency or other entity identified by the attorney general) contain certain information, including a signed, sworn statement by the applicant stating that the applicant fears for the safety of the applicant, the applicant's child, or another person in the applicant's household because of a threat of immediate or future harm caused by the person who committed or is alleged to have committed certain offenses, including child abduction.

SECTION 5. Amends Article 58.056(a), Code of Criminal Procedure, as follows:

(a) Authorizes the attorney general to establish procedures for requiring an applicant, in appropriate circumstances, to submit with the application under Article 58.054(2)(A) independent documentary evidence of certain offenses, including child abduction, in the form of:

(1)-(2) makes no changes to these subdivisions;

(3) a statement of a physician or other health care provider regarding the medical condition of the applicant, applicant's child, or other person in the applicant's household as a result of certain offenses, including child abduction;

(4) a statement of a mental health professional, a member of the clergy, an attorney or other legal advocate, a trained staff member of a family violence center, or another professional who has assisted the applicant, applicant's child, or other person in the applicant's household in addressing the effects of certain offenses, including child abduction; or

(5) makes no changes to this subdivision.

SECTION 6. Effective date: upon passage or September 1, 2023.