

BILL ANALYSIS

C.S.H.B. 1230
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Criminal Jurisprudence
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Civilian witnesses often express fear about testifying against violent offenders. Witnesses and family members sometimes express concern for their safety, and request relocation options. There are currently no state programs to protect citizens who are willing to stand up to the criminal element in their communities. Enabling the state to protect key witnesses can help combat the social, emotional, physical, and economic impacts of witnessing a crime while protecting essential witnesses who observed violent offenses can lead to more information for law enforcement in investigations which, in turn, aids in the prosecution of violent offenders. C.S.H.B. 1230 seeks to address these issue by creating a witness protection unit within the Department of Public Safety.

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 rulemaking authority is expressly granted to the Department of Public Safety in SECTION 1 of this bill.

ANALYSIS

C.S.H.B. 1230 amends the Government Code to require the Department of Public Safety (DPS), not later than March 1, 2024, to establish and support a witness protection unit and requires the public safety director of DPS to direct the administration and oversight of the unit, including the unit's organization within DPS. The bill authorizes the unit, on receiving a request from a prosecuting attorney or a prosecuting attorney's qualified designee, to provide for the relocation or other protection of the following individuals:

- a witness or prospective witness in a criminal case in Texas for an offense punishable as a first degree or capital felony or in which the witness or prospective witness is likely to be subject to obstruction or retaliation under the Penal Code, as determined by the unit; or
- a family member or person otherwise closely associated with such a witness or prospective witness, if the unit determines that the family member or person may be in danger of harm as a result of the witness's or prospective witness's participation in the criminal case.

The bill defines "prosecuting attorney" by reference as district attorney, criminal district attorney, or county attorney. The bill exempts DPS or an authorized agent of the unit from liability for damages resulting from witness protection provided or a request for witness protection that is denied under the bill's provisions. The bill requires the unit to develop and provide a training course for prosecuting attorneys and their designees regarding witness protection procedures and best practices, the types of cases for which the unit may protect a

witness or prospective witness, and the process the unit will use to approve a request for witness protection. The bill requires a prosecuting attorney or a designee to have completed the training course to be qualified to request assistance from the unit. The bill requires DPS to offer the training course at least once every two years.

C.S.H.B. 1230 authorizes DPS to adopt rules necessary for the establishment and administration of the unit, including rules relating to:

- the types of cases for which the unit may protect a witness or prospective witness;
- the process the unit will use to approve a request for witness protection;
- the types of protection services the unit will offer; and
- protocols that ensure the confidentiality and security of witness information.

The bill authorizes DPS to solicit and accept gifts, grants, and donations from any source for the purpose of implementing the unit.

EFFECTIVE DATE

September 1, 2023.

COMPARISON OF INTRODUCED AND SUBSTITUTE

C.S.H.B. 1230 includes provisions relating to the establishment of a witness protection unit within DPS, which may relocate or otherwise protect certain witnesses in a criminal case, prospective witnesses, and persons closely associated with witnesses or prospective witnesses, and does not include any provisions from the introduced, which related to the confidentiality of and discovery procedures regarding certain material pertaining to the protection or security of a witness and created a Class A misdemeanor offense for the unlawful disclosure of such material.