

BILL ANALYSIS

C.S.H.B. 2229
By: Goodwin
Human Services
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Natalia Cox was a college student who was murdered by someone with whom she had gone on two dates. Days before she was killed, law enforcement responded to a call of a terroristic threat at her home. According to an affidavit, the perpetrator showed up with a gun, threatened to "shoot his way in," and attempted to enter by kicking the door in. Natalia Cox's family believes that if she had the resources to call and get the help she needed, she could be alive today.

Current Texas law makes it difficult to standardize and update resources provided to victims. Furthermore, victims' services departments have a difficult time ensuring that the most current information is included in their brochures. C.S.H.B. 2229 seeks to ensure that victims of family violence, stalking, harassment, or terroristic threats are able to be connected with appropriate resources as early as possible from any relevant provider by requiring the Health and Human Services Commission, in collaboration with victims' services stakeholders, to create a form that will standardize the information given to victims across Texas.

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 Health and Human Services Commission in SECTION 2 of this bill.

ANALYSIS

C.S.H.B. 2229 amends the Human Resources Code to require the Health and Human Services Commission (HHSC) by rule to adopt a written notice using best practices to be provided to victims of family violence, stalking, harassment, or terroristic threat to assist those victims in obtaining services. The bill requires HHSC to adopt and make available the written notice not later than December 1, 2023, and requires the notice to include the following in both English and Spanish:

- a statement that it is a criminal offense for any person, including a member of the family or former member of the family, to cause physical injury or harm to a victim or to engage in conduct constituting stalking, harassment, or terroristic threat toward a victim;
- a list of agencies and social organizations that the victim may contact for assistance with safety planning, shelter, or protection;
- contact information for the National Domestic Violence Hotline, victim support services at the Department of Public Safety, and HHSC's family violence program; and
- information regarding a victim's legal rights, including information regarding filing criminal charges, obtaining a protective order or a magistrate's order for emergency

protection, and the ability of a tenant who is a family violence victim to vacate a dwelling and terminate a residential lease.

The notice may include any other information HHSC considers useful to victims of family violence, stalking, harassment, or terroristic threat. The bill requires HHSC to update the notice periodically and to make the notice available on HHSC's website in both English and Spanish.

C.S.H.B. 2229 repeals a provision prescribing the required form and contents of a written notice a peace officer investigating a family violence allegation or responding to a disturbance call that may involve family violence must provide to any possible adult victim. The bill amends the Code of Criminal Procedure to instead require a peace officer investigating an allegation of family violence, stalking, harassment, or terroristic threat or responding to such a call on or after January 1, 2024, to advise any possible adult victim of all reasonable means to prevent the occurrence of further offenses, including by providing the written notice adopted by HHSC under the bill to any possible adult victim and, at the officer's discretion, provide to the possible victim any available written information regarding local resources for such victims.

C.S.H.B. 2229 amends the Education Code to require a campus peace officer at a public or private institution of higher education who responds to a disturbance call that may involve family violence or investigates an allegation of family violence, stalking, harassment, or terroristic threat on or after January 1, 2024, to advise any possible adult victim of all reasonable means to prevent the occurrence of further offenses, including by providing the written notice adopted by HHSC under the bill, and to additionally provide to the possible victim any available written information regarding campus and local resources for such victims.

C.S.H.B. 2229 amends the Family Code to replace a provision prescribing the required form and contents of a written notice a medical professional who treats a person for injuries that the medical professional has reason to believe were caused by family violence must give to the person with a requirement that the professional give the person the written notice adopted by HHSC under the bill. This provision applies only to medical treatment provided on or after January 1, 2024.

C.S.H.B. 2229 repeals Article 5.04(c), Code of Criminal Procedure.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2023.

COMPARISON OF INTRODUCED AND SUBSTITUTE

While C.S.H.B. 2229 may differ from the introduced in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

Whereas the introduced required HHSC to adopt a notice to be provided by certain peace officers and medical professionals to victims of family violence, the substitute expands the applicability of that requirement to include victims of stalking, harassment, or terroristic threat, in addition to victims of family violence. Accordingly, the substitute makes related changes to the required contents of the notice and the duties of those officers investigating an allegation of stalking, harassment, or terroristic threat.

The substitute includes a specification absent from the introduced that the victims to whom a campus peace officer responding to a disturbance call that may involve family violence or investigating an allegation of family violence, stalking, harassment, or a terroristic threat must advise of all reasonable means to prevent the occurrence of further offenses, including by providing the notice, are victims who are adults.