By:  West S.B. No. 839

(In the Senate - Filed February 10, 2023; March 1, 2023, read first time and referred to Committee on Criminal Justice; April 11, 2023, reported adversely, with favorable Committee Substitute by the following vote: Yeas 4, Nays 1, two present not voting; April 11, 2023, sent to printer.)

COMMITTEE VOTE

               Yea Nay Absent  PNV

Whitmire        X

Flores          X

Bettencourt                     X

Hinojosa        X

Huffman             X

King                            X

Miles           X

COMMITTEE SUBSTITUTE FOR S.B. No. 839 By:  Whitmire

A BILL TO BE ENTITLED

AN ACT

relating to the creation of a witness protection unit within the Department of Public Safety.

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

SECTION 1.  Chapter 411, Government Code, is amended by adding Subchapter B-2 to read as follows:

SUBCHAPTER B-2. WITNESS PROTECTION UNIT

Sec. 411.0281.  DEFINITIONS. In this subchapter:

(1)  "Prosecuting attorney" has the meaning assigned under Section 411.0251.

(2)  "Unit" and "witness protection unit" mean the witness protection unit established under Section 411.0282.

Sec. 411.0282.  ESTABLISHMENT OF UNIT. (a) The department shall establish and support a witness protection unit.

(b)  The director shall direct the administration and oversight of the witness protection unit, including the unit's organization within the department.

Sec. 411.0283.  PURPOSE AND DUTIES. (a) On receiving a request from a prosecuting attorney or a prosecuting attorney's designee qualified under Section 411.0286(b) to make such a request, the unit may provide for the relocation or other protection of:

(1)  a witness or prospective witness in a criminal case in this state:

(A)  for an offense punishable as a first degree or capital felony; or

(B)  in which the witness or prospective witness is likely to be subject to obstruction or retaliation under Section 36.06, Penal Code, as determined by the unit; or

(2)  a family member or person otherwise closely associated with a witness or prospective witness described by Subdivision (1), 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.

(b)  The department may adopt rules necessary for the establishment and administration of the unit, including rules relating to:

(1)  the types of cases for which the unit may protect a witness or prospective witness;

(2)  the process the unit will use to approve a request for witness protection;

(3)  the types of protection services the unit will offer; and

(4)  protocols that ensure the confidentiality and security of witness information.

Sec. 411.0284.  GIFTS, GRANTS, AND DONATIONS. The department may solicit and accept gifts, grants, and donations from any source for the purpose of implementing this subchapter.

Sec. 411.0285.  IMMUNITY FROM LIABILITY. The department or an authorized agent of the unit is not liable for damages resulting from witness protection provided or a request for witness protection denied under this subchapter.

Sec. 411.0286.  PROSECUTING ATTORNEY TRAINING. (a) The unit shall develop and provide a training course for prosecuting attorneys and the prosecuting attorneys' designees regarding:

(1)  witness protection procedures and best practices;

(2)  the types of cases for which the unit may protect a witness or prospective witness; and

(3)  the process the unit will use to approve a request for witness protection.

(b)  To be qualified to request assistance from the unit, a prosecuting attorney or a prosecuting attorney's designee must have completed the training course described by Subsection (a).

(c)  The department shall offer the training course described by Subsection (a) at least once every two years.

SECTION 2.  Not later than March 1, 2024, the Department of Public Safety shall establish the witness protection unit under Subchapter B-2, Chapter 411, Government Code, as added by this Act.

SECTION 3.  This Act takes effect September 1, 2023.

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