

By: Goodwin

H.B. No. 2229

A BILL TO BE ENTITLED

AN ACT

relating to the notice given to certain victims of family violence.

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

SECTION 1. This Act shall be known as the Natalia Cox Act.

SECTION 2. Subtitle E, Title 2, Human Resources Code, is amended by adding Chapter 51A to read as follows:

CHAPTER 51A. NOTICE TO VICTIMS OF FAMILY VIOLENCE

Sec. 51A.001. DEFINITIONS. In this chapter:

(1) "Family" has the meaning assigned by Section 71.003, Family Code.

(2) "Family violence" has the meaning assigned by Section 71.004, Family Code.

(3) "Household" has the meaning assigned by Section 71.005, Family Code.

(4) "Member of a household" has the meaning assigned by Section 71.006, Family Code.

(5) "Victim of family violence" means:

(A) an adult member of a family or household who is subjected to an act of family violence; or

(B) a member of the household of the adult described by Paragraph (A), other than the member of the household who commits the act of family violence.

Sec. 51A.002. NOTICE TO VICTIMS OF FAMILY VIOLENCE. (a) The commission by rule shall adopt a written notice to be provided to

1 victims of family violence to assist those victims in obtaining
2 services. The commission shall use best practices in creating the
3 written notice.

4 (b) The notice adopted under this section must include the
5 following in both English and Spanish:

6 (1) a statement that it is a criminal offense for any
7 person, including a member of the family or former member of the
8 family, to cause physical injury or harm to a victim of family
9 violence;

10 (2) a list of agencies and social organizations that
11 the victim of family violence may contact for assistance with
12 safety planning, shelter, and protection;

13 (3) contact information for:

14 (A) the National Domestic Violence Hotline;

15 (B) victim support services at the Department of
16 Public Safety; and

17 (C) the commission's family violence program;
18 and

19 (4) information regarding the legal rights of a victim
20 of family violence, including information regarding:

21 (A) the filing of criminal charges and obtaining
22 a protective order or a magistrate's order for emergency
23 protection; and

24 (B) the ability of a tenant to vacate a dwelling
25 and terminate a residential lease.

26 (c) The notice adopted under this section may include any
27 other information the commission considers useful to a victim of

1 family violence.

2 (d) The commission shall periodically update the notice
3 required under this section.

4 (e) The commission shall make the notice adopted under this
5 section available on the commission's Internet website in both
6 English and Spanish.

7 SECTION 3. Article 5.04(b), Code of Criminal Procedure, is
8 amended to read as follows:

9 (b) A peace officer who investigates a family violence
10 allegation or who responds to a disturbance call that may involve
11 family violence shall advise any possible adult victim of all
12 reasonable means to prevent further family violence, including
13 providing the [giving] written notice adopted by the Health and
14 Human Services Commission under Section 51A.002, Human Resources
15 Code, in English or Spanish, as appropriate ~~[of a victim's legal~~
16 ~~rights and remedies and of the availability of shelter or other~~
17 ~~community services for family violence victims]~~. In addition to
18 the required notice under this subsection, a peace officer may
19 provide additional written information regarding local resources
20 for victims of family violence.

21 SECTION 4. Subchapter E-3, Chapter 51, Education Code, is
22 amended by adding Section 51.2825 to read as follows:

23 Sec. 51.2825. CERTAIN DUTIES OF CAMPUS PEACE OFFICER
24 INVESTIGATING FAMILY VIOLENCE. (a) In this section:

25 (1) "Campus peace officer" means a peace officer
26 commissioned under Section 51.203 or 51.212.

27 (2) "Family violence" has the meaning assigned by

1 Section 71.004, Family Code.

2 (b) A campus peace officer who investigates a family
3 violence allegation or who responds to a disturbance call that may
4 involve family violence shall advise any possible victim of all
5 reasonable means to prevent further family violence, including by
6 providing the written notice adopted by the Health and Human
7 Services Commission under Section 51A.002, Human Resources Code, in
8 English or Spanish, as appropriate. In addition to the required
9 notice under this subsection, a campus peace officer shall provide
10 to the possible victim any available written information regarding
11 campus and local resources for victims of family violence.

12 SECTION 5. Section 91.003, Family Code, is amended to read
13 as follows:

14 Sec. 91.003. INFORMATION PROVIDED BY MEDICAL
15 PROFESSIONALS. A medical professional who treats a person for
16 injuries that the medical professional has reason to believe were
17 caused by family violence shall:

18 (1) immediately provide the person with information
19 regarding the nearest family violence shelter center;

20 (2) document in the person's medical file:

21 (A) the fact that the person has received the
22 information provided under Subdivision (1); and

23 (B) the reasons for the medical professional's
24 belief that the person's injuries were caused by family violence;
25 and

26 (3) give the person the ~~[a]~~ written notice adopted by
27 the Health and Human Services Commission under Section 51A.002,

Human Resources Code ~~[in substantially the following form,~~
~~completed with the required information, in both English and~~
~~Spanish:~~

~~["It is a crime for any person to cause you any physical injury or~~
~~harm even if that person is a member or former member of your family~~
~~or household].~~

~~["NOTICE TO ADULT VICTIMS OF FAMILY VIOLENCE~~

~~["You may report family violence to a law enforcement officer by~~
~~calling the following telephone numbers:~~

~~_____.~~

~~["If you, your child, or any other household resident has been~~
~~injured or if you feel you are going to be in danger after a law~~
~~enforcement officer investigating family violence leaves your~~
~~residence or at a later time, you have the right to:~~

~~["Ask the local prosecutor to file a criminal complaint~~
~~against the person committing family violence, and~~

~~["Apply to a court for an order to protect you. You may want~~
~~to consult with a legal aid office, a prosecuting attorney, or a~~
~~private attorney. A court can enter an order that:~~

~~["(1) prohibits the abuser from committing further~~
~~acts of violence,~~

~~["(2) prohibits the abuser from threatening,~~
~~harassing, or contacting you at home,~~

~~["(3) directs the abuser to leave your household, and~~

~~["(4) establishes temporary custody of the children or~~
~~any property.~~

~~["A VIOLATION OF CERTAIN PROVISIONS OF COURT-ORDERED PROTECTION MAY~~

~~BE A FELONY.~~

~~["CALL THE FOLLOWING VIOLENCE SHELTERS OR SOCIAL ORGANIZATIONS IF
YOU NEED PROTECTION: _____."]~~

SECTION 6. Article 5.04(c), Code of Criminal Procedure, is repealed.

SECTION 7. Not later than December 1, 2023, the Health and Human Services Commission shall adopt and make available the notice required by Chapter 51A, Human Resources Code, as added by this Act.

SECTION 8. Article 5.04, Code of Criminal Procedure, as amended by this Act, and Section 51.2825, Education Code, as added by this Act, apply only to a peace officer's or campus peace officer's investigation or response that occurs on or after January 1, 2024. An investigation or response that occurs before January 1, 2024, is governed by the law in effect immediately before the effective date of this Act, and the former law is continued in effect for that purpose.

SECTION 9. Section 91.003, Family Code, as amended by this Act, applies only to medical treatment provided on or after January 1, 2024. Medical treatment provided before January 1, 2024, is governed by the law in effect immediately before the effective date of this Act, and the former law is continued in effect for that purpose.

SECTION 10. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2023.