

By: Parker, Campbell

S.B. No. 461

A BILL TO BE ENTITLED

AN ACT

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.

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

SECTION 1. Article 58.051, Code of Criminal Procedure, is amended by adding Subdivision (1-a) to read as follows:

(1-a) "Child abduction" means any conduct that:

(A) constitutes an offense under Sections 20.02, 20.03, 20.04, 25.03, and 25.031, Penal Code; and

(B) results in a person younger than 18 years of age becoming a victim of the offense.

SECTION 2. Article 58.052(a), Code of Criminal Procedure, is amended to read as follows:

(a) The attorney general shall establish an address confidentiality program, as provided by this subchapter, to assist a victim of family violence, sexual assault or abuse, stalking, child abduction, or trafficking of persons in maintaining a confidential address.

SECTION 3. Article 58.054, Code of Criminal Procedure, is amended to read as follows:

Art. 58.054. ELIGIBILITY. To be eligible to participate in the program:

(1) an applicant must satisfy any of the following:

1 (A) meet with a victim's assistance counselor
2 from a state or local agency or other for-profit or nonprofit entity
3 that is identified by the attorney general as an entity that
4 provides shelter or civil legal services or counseling to victims
5 of family violence, sexual assault or abuse, stalking, child
6 abduction, or trafficking of persons;

7 (B) be protected under, or be filing an
8 application on behalf of a victim who is the applicant's child or
9 another person in the applicant's household and who is protected
10 under:

11 (i) a temporary injunction issued under
12 Subchapter F, Chapter 6, Family Code;

13 (ii) a temporary ex parte order issued
14 under Chapter 83, Family Code;

15 (iii) an order issued under Subchapter A or
16 B, Chapter 7B, of this code or Chapter 85, Family Code; or

17 (iv) a magistrate's order for emergency
18 protection issued under Article 17.292; or

19 (C) possess documentation of family violence,
20 child abduction, or trafficking of persons, as identified by the
21 rules adopted under Article 58.056, or of sexual assault or abuse or
22 stalking, as described by Section 92.0161, Property Code; and

23 (2) an applicant must satisfy all of the following:

24 (A) file an application for participation with
25 the attorney general or a state or local agency or other entity
26 identified by the attorney general under Subdivision (1);

27 (B) file an affirmation that the applicant has

1 discussed safety planning with a victim's assistance counselor
2 described by Subdivision (1)(A);

3 (C) designate the attorney general as agent to
4 receive service of process and mail on behalf of the applicant; and

5 (D) live at a residential address, or relocate to
6 a residential address, that is unknown to the person who committed
7 or is alleged to have committed the family violence, sexual assault
8 or abuse, stalking, child abduction, or trafficking of persons.

9 SECTION 4. Article 58.055(a), Code of Criminal Procedure,
10 is amended to read as follows:

11 (a) An application under Article 58.054(2)(A) must contain:

12 (1) a signed, sworn statement by the applicant stating
13 that the applicant fears for the safety of the applicant, the
14 applicant's child, or another person in the applicant's household
15 because of a threat of immediate or future harm caused by the person
16 who committed or is alleged to have committed the family violence,
17 sexual assault or abuse, stalking, child abduction, or trafficking
18 of persons;

19 (2) the applicant's true residential address and, if
20 applicable, the applicant's business and school addresses; and

21 (3) a statement by the applicant of whether there is an
22 existing court order or a pending court case for child support or
23 child custody or visitation that involves the applicant, the
24 applicant's child, or another person in the applicant's household
25 and, if so, the name and address of:

26 (A) the legal counsel of record; and

27 (B) each parent involved in the court order or

1 pending case.

2 SECTION 5. Article 58.056(a), Code of Criminal Procedure,
3 is amended to read as follows:

4 (a) The attorney general may establish procedures for
5 requiring an applicant, in appropriate circumstances, to submit
6 with the application under Article 58.054(2)(A) independent
7 documentary evidence of family violence, sexual assault or abuse,
8 stalking, child abduction, or trafficking of persons in the form
9 of:

10 (1) an active or recently issued order described by
11 Article 58.054(1)(B);

12 (2) an incident report or other record maintained by a
13 law enforcement agency or official;

14 (3) a statement of a physician or other health care
15 provider regarding the medical condition of the applicant,
16 applicant's child, or other person in the applicant's household as a
17 result of the family violence, sexual assault or abuse, stalking,
18 child abduction, or trafficking of persons;

19 (4) a statement of a mental health professional, a
20 member of the clergy, an attorney or other legal advocate, a trained
21 staff member of a family violence center, or another professional
22 who has assisted the applicant, applicant's child, or other person
23 in the applicant's household in addressing the effects of the
24 family violence, sexual assault or abuse, stalking, child
25 abduction, or trafficking of persons; or

26 (5) any other independent documentary evidence
27 necessary to show the applicant's eligibility to participate in the

1 program.

2 SECTION 6. This Act takes effect immediately if it receives
3 a vote of two-thirds of all the members elected to each house, as
4 provided by Section 39, Article III, Texas Constitution. If this
5 Act does not receive the vote necessary for immediate effect, this
6 Act takes effect September 1, 2023.