

1-1 By: West S.B. No. 839  
1-2 (In the Senate - Filed February 10, 2023; March 1, 2023,  
1-3 read first time and referred to Committee on Criminal Justice;  
1-4 April 11, 2023, reported adversely, with favorable Committee  
1-5 Substitute by the following vote: Yeas 4, Nays 1, two present not  
1-6 voting; April 11, 2023, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11				X
1-12	X			
1-13		X		
1-14				X
1-15	X			

1-16 COMMITTEE SUBSTITUTE FOR S.B. No. 839 By: Whitmire

1-17 A BILL TO BE ENTITLED  
1-18 AN ACT

1-19 relating to the creation of a witness protection unit within the  
1-20 Department of Public Safety.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-22 SECTION 1. Chapter 411, Government Code, is amended by  
1-23 adding Subchapter B-2 to read as follows:

1-24 SUBCHAPTER B-2. WITNESS PROTECTION UNIT

1-25 Sec. 411.0281. DEFINITIONS. In this subchapter:

1-26 (1) "Prosecuting attorney" has the meaning assigned  
1-27 under Section 411.0251.

1-28 (2) "Unit" and "witness protection unit" mean the  
1-29 witness protection unit established under Section 411.0282.

1-30 Sec. 411.0282. ESTABLISHMENT OF UNIT. (a) The department  
1-31 shall establish and support a witness protection unit.

1-32 (b) The director shall direct the administration and  
1-33 oversight of the witness protection unit, including the unit's  
1-34 organization within the department.

1-35 Sec. 411.0283. PURPOSE AND DUTIES. (a) On receiving a  
1-36 request from a prosecuting attorney or a prosecuting attorney's  
1-37 designee qualified under Section 411.0286(b) to make such a  
1-38 request, the unit may provide for the relocation or other  
1-39 protection of:

1-40 (1) a witness or prospective witness in a criminal  
1-41 case in this state:

1-42 (A) for an offense punishable as a first degree  
1-43 or capital felony; or

1-44 (B) in which the witness or prospective witness  
1-45 is likely to be subject to obstruction or retaliation under Section  
1-46 36.06, Penal Code, as determined by the unit; or

1-47 (2) a family member or person otherwise closely  
1-48 associated with a witness or prospective witness described by  
1-49 Subdivision (1), if the unit determines that the family member or  
1-50 person may be in danger of harm as a result of the witness's or  
1-51 prospective witness's participation in the criminal case.

1-52 (b) The department may adopt rules necessary for the  
1-53 establishment and administration of the unit, including rules  
1-54 relating to:

1-55 (1) the types of cases for which the unit may protect a  
1-56 witness or prospective witness;

1-57 (2) the process the unit will use to approve a request  
1-58 for witness protection;

1-59 (3) the types of protection services the unit will  
1-60 offer; and

2-1 (4) protocols that ensure the confidentiality and  
2-2 security of witness information.

2-3 Sec. 411.0284. GIFTS, GRANTS, AND DONATIONS. The  
2-4 department may solicit and accept gifts, grants, and donations from  
2-5 any source for the purpose of implementing this subchapter.

2-6 Sec. 411.0285. IMMUNITY FROM LIABILITY. The department or  
2-7 an authorized agent of the unit is not liable for damages resulting  
2-8 from witness protection provided or a request for witness  
2-9 protection denied under this subchapter.

2-10 Sec. 411.0286. PROSECUTING ATTORNEY TRAINING. (a) The  
2-11 unit shall develop and provide a training course for prosecuting  
2-12 attorneys and the prosecuting attorneys' designees regarding:

2-13 (1) witness protection procedures and best practices;

2-14 (2) the types of cases for which the unit may protect a  
2-15 witness or prospective witness; and

2-16 (3) the process the unit will use to approve a request  
2-17 for witness protection.

2-18 (b) To be qualified to request assistance from the unit, a  
2-19 prosecuting attorney or a prosecuting attorney's designee must have  
2-20 completed the training course described by Subsection (a).

2-21 (c) The department shall offer the training course  
2-22 described by Subsection (a) at least once every two years.

2-23 SECTION 2. Not later than March 1, 2024, the Department of  
2-24 Public Safety shall establish the witness protection unit under  
2-25 Subchapter B-2, Chapter 411, Government Code, as added by this Act.

2-26 SECTION 3. This Act takes effect September 1, 2023.

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