

By: Alvarado

S.B. No. 1325

A BILL TO BE ENTITLED

AN ACT

relating to the notice given to certain victims of family violence,
stalking, harassment, or terroristic threat.

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, STALKING,
HARASSMENT, OR TERRORISTIC THREAT

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) "Harassment" means any conduct that constitutes an
offense under Section 42.07, Penal Code.

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

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

(6) "Stalking" means any conduct that constitutes an
offense under Section 42.072, Penal Code.

(7) "Terroristic threat" means any conduct that
constitutes an offense under Section 22.07, Penal Code.

1 Sec. 51A.002. APPLICABILITY TO VICTIMS OF CERTAIN OFFENSES.

2 This chapter applies to a victim of family violence, stalking,
3 harassment, or terroristic threat, including:

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

6 (2) a member of the household of the adult described by
7 Subdivision (1), other than the member of the household who commits
8 the act of family violence; and

9 (3) a person who is subjected to conduct constituting
10 stalking, harassment, or terroristic threat.

11 Sec. 51A.003. NOTICE TO VICTIMS. (a) The commission by
12 rule shall adopt a written notice to be provided to victims of
13 family violence, stalking, harassment, or terroristic threat to
14 assist those victims in obtaining services. The commission shall
15 use best practices in creating the written notice.

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

18 (1) a statement that it is a criminal offense for any
19 person, including a member of the family or former member of the
20 family, to cause physical injury or harm to a victim or to engage in
21 conduct constituting stalking, harassment, or terroristic threat
22 toward a victim;

23 (2) a list of agencies and social organizations that
24 the victim may contact for assistance with safety planning,
25 shelter, or protection;

26 (3) contact information for:

27 (A) the National Domestic Violence Hotline;

1 (B) victim support services at the Department of
2 Public Safety; and

3 (C) the commission's family violence program;
4 and

5 (4) information regarding the legal rights of a
6 victim, including information regarding:

7 (A) the filing of criminal charges and obtaining
8 a protective order or a magistrate's order for emergency
9 protection; and

10 (B) the ability of a tenant who is a victim of
11 family violence to vacate a dwelling and terminate a residential
12 lease.

13 (c) The notice adopted under this section may include any
14 other information the commission considers useful to a victim of
15 family violence, stalking, harassment, or terroristic threat.

16 (d) The commission shall periodically update the notice
17 required under this section.

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

21 SECTION 3. Chapter 2, Code of Criminal Procedure, is
22 amended by adding Article 2.1398 to read as follows:

23 Art. 2.1398. DUTIES OF PEACE OFFICER INVESTIGATING
24 STALKING, HARASSMENT, OR TERRORISTIC THREAT. (a) In this article:

25 (1) "Harassment" means any conduct that constitutes an
26 offense under Section 42.07, Penal Code.

27 (2) "Stalking" means any conduct that constitutes an

1 offense under Section 42.072, Penal Code.

2 (3) "Terroristic threat" means any conduct that
3 constitutes an offense under Section 22.07, Penal Code.

4 (b) A peace officer who investigates an allegation of
5 stalking, harassment, or terroristic threat shall advise any
6 possible adult victim of all reasonable means to prevent the
7 occurrence of further offenses, including by providing the written
8 notice adopted by the Health and Human Services Commission under
9 Section 51A.003, Human Resources Code. In addition to the required
10 notice under this subsection, a peace officer may provide to the
11 possible victim any available written information regarding local
12 resources for victims of stalking, harassment, or terroristic
13 threat.

14 SECTION 4. Article 5.04(b), Code of Criminal Procedure, is
15 amended to read as follows:

16 (b) A peace officer who investigates a family violence
17 allegation or who responds to a disturbance call that may involve
18 family violence shall advise any possible adult victim of all
19 reasonable means to prevent further family violence, including by
20 providing the [giving] written notice adopted by the Health and
21 Human Services Commission under Section 51A.003, Human Resources
22 Code [of a victim's legal rights and remedies and of the
23 availability of shelter or other community services for family
24 violence victims]. In addition to the required notice under this
25 subsection, a peace officer may provide to the possible victim any
26 available written information regarding local resources for
27 victims of family violence.

1 SECTION 5. Subchapter E-3, Chapter 51, Education Code, is
2 amended by adding Section 51.2825 to read as follows:

3 Sec. 51.2825. CERTAIN DUTIES OF CAMPUS PEACE OFFICER
4 INVESTIGATING FAMILY VIOLENCE, STALKING, HARASSMENT, OR
5 TERRORISTIC THREAT. (a) In this section:

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

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

10 (3) "Harassment" means any conduct that constitutes an
11 offense under Section 42.07, Penal Code.

12 (4) "Stalking" means any conduct that constitutes an
13 offense under Section 42.072, Penal Code.

14 (5) "Terroristic threat" means any conduct that
15 constitutes an offense under Section 22.07, Penal Code.

16 (b) A campus peace officer who responds to a disturbance
17 call that may involve family violence or investigates an allegation
18 of family violence, stalking, harassment, or terroristic threat
19 shall advise any possible adult victim of all reasonable means to
20 prevent the occurrence of further offenses, including by providing
21 the written notice adopted by the Health and Human Services
22 Commission under Section 51A.003, Human Resources Code. In
23 addition to the required notice under this subsection, a campus
24 peace officer shall provide to the possible victim any available
25 written information regarding campus and local resources for
26 victims of family violence, stalking, harassment, or terroristic
27 threat.

1 SECTION 6. Section 91.003, Family Code, is amended to read
2 as follows:

3 Sec. 91.003. INFORMATION PROVIDED BY MEDICAL
4 PROFESSIONALS. A medical professional who treats a person for
5 injuries that the medical professional has reason to believe were
6 caused by family violence shall:

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

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

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

12 (B) the reasons for the medical professional's
13 belief that the person's injuries were caused by family violence;
14 and

15 (3) give the person the [a] written notice adopted by
16 the Health and Human Services Commission under Section 51A.003,
17 Human Resources Code [in substantially the following form,
18 completed with the required information, in both English and
19 Spanish:

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

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

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

27 ~~["If you, your child, or any other household resident has been~~

1 ~~injured or if you feel you are going to be in danger after a law~~
2 ~~enforcement officer investigating family violence leaves your~~
3 ~~residence or at a later time, you have the right to:~~

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

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

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

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

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

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

16 ~~["A VIOLATION OF CERTAIN PROVISIONS OF COURT-ORDERED PROTECTION MAY~~
17 ~~BE A FELONY.~~

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

20 SECTION 7. Article 5.04(c), Code of Criminal Procedure, is
21 repealed.

22 SECTION 8. Not later than December 1, 2023, the Health and
23 Human Services Commission shall adopt and make available the notice
24 required by Chapter 51A, Human Resources Code, as added by this Act.

25 SECTION 9. Article 2.1398, Code of Criminal Procedure, as
26 added by this Act, Article 5.04, Code of Criminal Procedure, as
27 amended by this Act, and Section 51.2825, Education Code, as added

1 by this Act, apply only to a peace officer's or campus peace
2 officer's investigation or response that occurs on or after January
3 1, 2024. An investigation or response that occurs before January 1,
4 2024, is governed by the law in effect immediately before the
5 effective date of this Act, and the former law is continued in
6 effect for that purpose.

7 SECTION 10. Section 91.003, Family Code, as amended by this
8 Act, applies only to medical treatment provided on or after January
9 1, 2024. Medical treatment provided before January 1, 2024, is
10 governed by the law in effect immediately before the effective date
11 of this Act, and the former law is continued in effect for that
12 purpose.

13 SECTION 11. This Act takes effect immediately if it
14 receives a vote of two-thirds of all the members elected to each
15 house, as provided by Section 39, Article III, Texas Constitution.
16 If this Act does not receive the vote necessary for immediate
17 effect, this Act takes effect September 1, 2023.