

1-1 By: Alvarado S.B. No. 1325
1-2 (In the Senate - Filed February 28, 2023; March 9, 2023,
1-3 read first time and referred to Committee on Criminal Justice;
1-4 April 5, 2023, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 7, Nays 0; April 5, 2023,
1-6 sent to printer.)

1-7 COMMITTEE VOTE

| | Yea | Nay | Absent | PNV |
|------|-------------|-----|--------|-----|
| 1-8 | | | | |
| 1-9 | Whitmire | X | | |
| 1-10 | Flores | X | | |
| 1-11 | Bettencourt | X | | |
| 1-12 | Hinojosa | X | | |
| 1-13 | Huffman | X | | |
| 1-14 | King | X | | |
| 1-15 | Miles | X | | |

1-16 COMMITTEE SUBSTITUTE FOR S.B. No. 1325 By: Whitmire

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

1-19 relating to the notice given to certain victims of family violence,
1-20 stalking, harassment, or terroristic threat.

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

1-22 SECTION 1. This Act shall be known as the Natalia Cox Act.

1-23 SECTION 2. Subtitle E, Title 2, Human Resources Code, is
1-24 amended by adding Chapter 51A to read as follows:

1-25 CHAPTER 51A. NOTICE TO VICTIMS OF FAMILY VIOLENCE, STALKING,
1-26 HARASSMENT, OR TERRORISTIC THREAT

1-27 Sec. 51A.001. DEFINITIONS. In this chapter:

1-28 (1) "Family" has the meaning assigned by Section
1-29 71.003, Family Code.

1-30 (2) "Family violence" has the meaning assigned by
1-31 Section 71.004, Family Code.

1-32 (3) "Harassment" means any conduct that constitutes an
1-33 offense under Section 42.07, Penal Code.

1-34 (4) "Household" has the meaning assigned by Section
1-35 71.005, Family Code.

1-36 (5) "Member of a household" has the meaning assigned
1-37 by Section 71.006, Family Code.

1-38 (6) "Stalking" means any conduct that constitutes an
1-39 offense under Section 42.072, Penal Code.

1-40 (7) "Terroristic threat" means any conduct that
1-41 constitutes an offense under Section 22.07, Penal Code.

1-42 Sec. 51A.002. APPLICABILITY TO VICTIMS OF CERTAIN OFFENSES.
1-43 This chapter applies to a victim of family violence, stalking,
1-44 harassment, or terroristic threat, including:

1-45 (1) an adult member of a family or household who is
1-46 subjected to an act of family violence;

1-47 (2) a member of the household of the adult described by
1-48 Subdivision (1), other than the member of the household who commits
1-49 the act of family violence; and

1-50 (3) a person who is subjected to conduct constituting
1-51 stalking, harassment, or terroristic threat.

1-52 Sec. 51A.003. NOTICE TO VICTIMS. (a) The commission by rule
1-53 shall adopt a written notice to be provided to victims of family
1-54 violence, stalking, harassment, or terroristic threat to assist
1-55 those victims in obtaining services. The commission shall use best
1-56 practices in creating the written notice.

1-57 (b) The notice adopted under this section must include the
1-58 following in both English and Spanish:

1-59 (1) a statement that it is a criminal offense for any
1-60 person, including a member of the family or former member of the

2-1 family, to cause physical injury or harm to a victim or to engage in
 2-2 conduct constituting stalking, harassment, or terroristic threat
 2-3 toward a victim;
 2-4 (2) a list of agencies and social organizations that
 2-5 the victim may contact for assistance with safety planning,
 2-6 shelter, or protection;
 2-7 (3) contact information for:
 2-8 (A) the National Domestic Violence Hotline;
 2-9 (B) victim support services at the Department of
 2-10 Public Safety; and
 2-11 (C) the commission's family violence program;
 2-12 and
 2-13 (4) information regarding the legal rights of a
 2-14 victim, including information regarding:
 2-15 (A) the filing of criminal charges and obtaining
 2-16 a protective order or a magistrate's order for emergency
 2-17 protection; and
 2-18 (B) the ability of a tenant who is a victim of
 2-19 family violence to vacate a dwelling and terminate a residential
 2-20 lease.
 2-21 (c) The notice adopted under this section may include any
 2-22 other information the commission considers useful to a victim of
 2-23 family violence, stalking, harassment, or terroristic threat.
 2-24 (d) The commission shall periodically update the notice
 2-25 required under this section.
 2-26 (e) The commission shall make the notice adopted under this
 2-27 section available on the commission's Internet website in both
 2-28 English and Spanish.
 2-29 SECTION 3. Chapter 2, Code of Criminal Procedure, is
 2-30 amended by adding Article 2.1398 to read as follows:
 2-31 Art. 2.1398. DUTIES OF PEACE OFFICER INVESTIGATING
 2-32 STALKING, HARASSMENT, OR TERRORISTIC THREAT. (a) In this article:
 2-33 (1) "Harassment" means any conduct that constitutes an
 2-34 offense under Section 42.07, Penal Code.
 2-35 (2) "Stalking" means any conduct that constitutes an
 2-36 offense under Section 42.072, Penal Code.
 2-37 (3) "Terroristic threat" means any conduct that
 2-38 constitutes an offense under Section 22.07, Penal Code.
 2-39 (b) A peace officer who investigates an allegation of
 2-40 stalking, harassment, or terroristic threat shall advise any
 2-41 possible adult victim of all reasonable means to prevent the
 2-42 occurrence of further offenses, including by providing the written
 2-43 notice adopted by the Health and Human Services Commission under
 2-44 Section 51A.003, Human Resources Code. In addition to the required
 2-45 notice under this subsection, a peace officer may provide to the
 2-46 possible victim any available written information regarding local
 2-47 resources for victims of stalking, harassment, or terroristic
 2-48 threat.
 2-49 SECTION 4. Article 5.04(b), Code of Criminal Procedure, is
 2-50 amended to read as follows:
 2-51 (b) A peace officer who investigates a family violence
 2-52 allegation or who responds to a disturbance call that may involve
 2-53 family violence shall advise any possible adult victim of all
 2-54 reasonable means to prevent further family violence, including by
 2-55 providing the ~~[giving]~~ written notice adopted by the Health and
 2-56 Human Services Commission under Section 51A.003, Human Resources
 2-57 Code ~~[of a victim's legal rights and remedies and of the~~
 2-58 ~~availability of shelter or other community services for family~~
 2-59 ~~violence victims].~~ In addition to the required notice under this
 2-60 subsection, a peace officer may provide to the possible victim any
 2-61 available written information regarding local resources for
 2-62 victims of family violence.
 2-63 SECTION 5. Subchapter E-3, Chapter 51, Education Code, is
 2-64 amended by adding Section 51.2825 to read as follows:
 2-65 Sec. 51.2825. CERTAIN DUTIES OF CAMPUS PEACE OFFICER
 2-66 INVESTIGATING FAMILY VIOLENCE, STALKING, HARASSMENT, OR
 2-67 TERRORISTIC THREAT. (a) In this section:
 2-68 (1) "Campus peace officer" means a peace officer
 2-69 commissioned under Section 51.203 or 51.212.

3-1 (2) "Family violence" has the meaning assigned by
3-2 Section 71.004, Family Code.

3-3 (3) "Harassment" means any conduct that constitutes an
3-4 offense under Section 42.07, Penal Code.

3-5 (4) "Stalking" means any conduct that constitutes an
3-6 offense under Section 42.072, Penal Code.

3-7 (5) "Terroristic threat" means any conduct that
3-8 constitutes an offense under Section 22.07, Penal Code.

3-9 (b) A campus peace officer who responds to a disturbance
3-10 call that may involve family violence or investigates an allegation
3-11 of family violence, stalking, harassment, or terroristic threat
3-12 shall advise any possible adult victim of all reasonable means to
3-13 prevent the occurrence of further offenses, including by providing
3-14 the written notice adopted by the Health and Human Services
3-15 Commission under Section 51A.003, Human Resources Code. In
3-16 addition to the required notice under this subsection, a campus
3-17 peace officer shall provide to the possible victim any available
3-18 written information regarding campus and local resources for
3-19 victims of family violence, stalking, harassment, or terroristic
3-20 threat.

3-21 SECTION 6. Section 91.003, Family Code, is amended to read
3-22 as follows:

3-23 Sec. 91.003. INFORMATION PROVIDED BY MEDICAL
3-24 PROFESSIONALS. A medical professional who treats a person for
3-25 injuries that the medical professional has reason to believe were
3-26 caused by family violence shall:

3-27 (1) immediately provide the person with information
3-28 regarding the nearest family violence shelter center;

3-29 (2) document in the person's medical file:

3-30 (A) the fact that the person has received the
3-31 information provided under Subdivision (1); and

3-32 (B) the reasons for the medical professional's
3-33 belief that the person's injuries were caused by family violence;
3-34 and

3-35 (3) give the person the [a] written notice adopted by
3-36 the Health and Human Services Commission under Section 51A.003,
3-37 Human Resources Code [in substantially the following form,
3-38 completed with the required information, in both English and
3-39 Spanish:

3-40 ["It is a crime for any person to cause you any physical injury or
3-41 harm even if that person is a member or former member of your family
3-42 or household].

3-43 ["NOTICE TO ADULT VICTIMS OF FAMILY VIOLENCE

3-44 ["You may report family violence to a law enforcement officer by
3-45 calling the following telephone numbers:

3-46 _____.

3-47 ["If you, your child, or any other household resident has been
3-48 injured or if you feel you are going to be in danger after a law
3-49 enforcement officer investigating family violence leaves your
3-50 residence or at a later time, you have the right to:

3-51 ["Ask the local prosecutor to file a criminal complaint
3-52 against the person committing family violence; and

3-53 ["Apply to a court for an order to protect you. You may want
3-54 to consult with a legal aid office, a prosecuting attorney, or a
3-55 private attorney. A court can enter an order that:

3-56 ["(1) prohibits the abuser from committing further
3-57 acts of violence;

3-58 ["(2) prohibits the abuser from threatening,
3-59 harassing, or contacting you at home;

3-60 ["(3) directs the abuser to leave your household; and

3-61 ["(4) establishes temporary custody of the children or
3-62 any property.

3-63 ["A VIOLATION OF CERTAIN PROVISIONS OF COURT-ORDERED PROTECTION MAY
3-64 BE A FELONY.

3-65 ["CALL THE FOLLOWING VIOLENCE SHELTERS OR SOCIAL ORGANIZATIONS IF
3-66 YOU NEED PROTECTION: _____."]

3-67 SECTION 7. Article 5.04(c), Code of Criminal Procedure, is
3-68 repealed.

3-69 SECTION 8. Not later than December 1, 2023, the Health and

4-1 Human Services Commission shall adopt and make available the notice
4-2 required by Chapter 51A, Human Resources Code, as added by this Act.

4-3 SECTION 9. Article 2.1398, Code of Criminal Procedure, as
4-4 added by this Act, Article 5.04, Code of Criminal Procedure, as
4-5 amended by this Act, and Section 51.2825, Education Code, as added
4-6 by this Act, apply only to a peace officer's or campus peace
4-7 officer's investigation or response that occurs on or after January
4-8 1, 2024. An investigation or response that occurs before January 1,
4-9 2024, is governed by the law in effect immediately before the
4-10 effective date of this Act, and the former law is continued in
4-11 effect for that purpose.

4-12 SECTION 10. Section 91.003, Family Code, as amended by this
4-13 Act, applies only to medical treatment provided on or after January
4-14 1, 2024. Medical treatment provided before January 1, 2024, is
4-15 governed by the law in effect immediately before the effective date
4-16 of this Act, and the former law is continued in effect for that
4-17 purpose.

4-18 SECTION 11. This Act takes effect immediately if it
4-19 receives a vote of two-thirds of all the members elected to each
4-20 house, as provided by Section 39, Article III, Texas Constitution.
4-21 If this Act does not receive the vote necessary for immediate
4-22 effect, this Act takes effect September 1, 2023.

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