

BILL ANALYSIS

C.S.H.B. 2222
By: Hunter
Criminal Jurisprudence
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties express concern regarding the access to home address information of a victim of family violence, sexual assault, human trafficking, stalking, or certain crimes against children by the person who committed such acts and the dangers that access poses to the victim, even if the victim has a protective order against the perpetrator. The goal of C.S.H.B. 2222 is to ensure the confidentiality of such information.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 2222 amends the Code of Criminal Procedure to extend eligibility to participate in the address confidentiality program administered by the attorney general for certain victims of family violence, sexual assault or abuse, stalking, or trafficking of persons to a victim of a continuous sexual abuse of a young child offense and a victim of an indecency with a child offense if the victim meets with a victim's assistance counselor from a state or local agency or other entity that is identified by the attorney general as an entity that provides certain services or counseling to victims of such offenses. The bill includes civil legal services among those services. The bill establishes the following circumstances as an alternative to satisfying the program eligibility requirement to meet with such a counselor: the program applicant is protected under, or is filing an application on behalf of a victim who is the applicant's child or another person in the applicant's household and who is protected under, a specified temporary injunction or protective order; or the applicant possesses documentation of family violence, as identified by the rules adopted for program eligibility purposes, or of sexual assault or abuse or stalking, as described by statutory provisions relating to the right to vacate and avoid liability following certain sex offenses or stalking. The bill adds as a program eligibility requirement filing an affirmation that the applicant has discussed safety planning with a specified victim's assistance counselor. The bill includes the following among the forms of independent documentary evidence of family violence, sexual assault or abuse, stalking, or trafficking of persons the attorney general may require an applicant to submit with the applicant's application for participation in the program: a health care provider's statement regarding the medical condition of the applicant's child or other person in the applicant's household as a result of the applicable violence or offense, a professional's statement regarding the professional's assistance to an applicant's child or other person in the applicant's household in addressing the effects of the applicable violence or offense, and any independent documentary evidence necessary to show

the applicant's eligibility to participate in the program. The bill specifies the protective orders included as such evidence. The bill restricts the requirement for the attorney general to disclose a program participant's true residential, business, or school address if requested by a law enforcement agency to a request by a law enforcement agency for the purpose of conducting an investigation.

C.S.H.B. 2222 amends the Election Code to include the residence address of an applicant among the information furnished on a voter registration application that is considered confidential and that does not constitute public information for purposes of state public information law if the applicant, the applicant's child, or another person in the applicant's household is a victim of family violence, sexual assault or abuse, stalking, or trafficking of persons and the applicant provided the voter registrar with a copy of a specified protective order or other independent documentary evidence necessary to show that the applicant, child, or other person is a victim of such violence or offense or if the applicant is a participant in the address confidentiality program administered by the attorney general and provided the registrar with proof of certification of that participation.

C.S.H.B. 2222 amends the Tax Code to remove the condition on the confidentiality of information in property tax appraisal records identifying the home address of a victim of family violence that the actor, as a result of the act of family violence against the victim, be convicted of a felony or a Class A misdemeanor. The bill extends confidentiality to information in property tax appraisal records identifying the home address of the following individuals: an individual who shows that the individual, individual's child, or another person in the individual's household is a victim of family violence, sexual assault or abuse, stalking, or trafficking of persons by providing a copy of a specified protective order or other independent documentary evidence necessary to show that the individual, child, or other person is a victim of such violence or offense and an individual who is a participant in the address confidentiality program administered by the attorney general who provides proof of certification of that participation.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2017.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 2222 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED	HOUSE COMMITTEE SUBSTITUTE
SECTION 1. The heading to Subchapter C, Chapter 56, Code of Criminal Procedure, is amended.	SECTION 1. Same as introduced version.
SECTION 2. Article 56.81, Code of Criminal Procedure, is amended.	SECTION 2. Same as introduced version.
SECTION 3. Article 56.82(a), Code of Criminal Procedure, is amended.	SECTION 3. Same as introduced version.
SECTION 4. Section 56.83, Code of Criminal Procedure, is amended by	SECTION 4. Article 56.83, Code of Criminal Procedure, is amended by

amending Subsections (a), (b), and (e) and adding Subsection (e-1) to read as follows:

(a) To be eligible to participate in the program, an applicant must:

(1) either:

(A) meet with a victim's assistance counselor from a state or local agency or other entity, whether for-profit or nonprofit, that is identified by the attorney general as an entity that provides counseling and shelter services to victims of family violence, sexual assault or abuse, stalking, or trafficking of persons[, or an offense under Section 22.011, 22.021, 25.02, or 42.072, Penal Code];

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

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

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

(iii) an order issued under Chapter 7A or Article 6.09 of this code or Chapter 85, Family Code; or

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

(C) possess documentation of family violence, as identified by the rules adopted under this section, or of sexual assault or abuse or stalking, as described by Section 92.0161, Property Code;

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

(3) file an affirmation that the applicant has discussed safety planning with a victim's assistance counselor described by Subdivision (1)(A);

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

(5) [(4)] live at a residential address, or relocate to a residential address, that is unknown to the person who committed or is alleged to have committed the family violence, sexual assault or abuse, stalking, or trafficking of persons[, or an offense under Section 22.011, 22.021, 25.02, or 42.072, Penal Code].

(b) An application under Subsection (a)(2) must contain:

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

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(3) file an affirmation that the applicant has discussed safety planning with a victim's assistance counselor described by Subdivision (1)(A);

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

(5) [(4)] live at a residential address, or relocate to a residential address, that is unknown to the person who committed or is alleged to have committed the family violence, sexual assault or abuse, stalking, or trafficking of persons[, or an offense under Section 22.011, 22.021, 25.02, or 42.072, Penal Code].

(b) An application under Subsection (a)(2) must contain:

(1) a signed, sworn statement by the applicant stating that the applicant fears for the safety of the applicant, the applicant's child, or another person in the applicant's household because of a threat of immediate or future harm caused by the person who committed or is alleged to have committed the family violence, sexual assault or abuse, stalking, or [the] trafficking of persons~~[-or an offense under Section 22.011, 22.021, 25.02, or 42.072, Penal Code];~~

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

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

(A) the legal counsel of record; and

(B) each parent involved in the court order or pending case.

(e) The attorney general by rule may establish additional eligibility requirements for participation in the program that are consistent with the purpose of the program as stated in Article 56.82(a).

(e-1) The attorney general may establish procedures for requiring an applicant, in appropriate circumstances, to submit with the application under Subsection (a)(2) independent documentary evidence of family violence, sexual assault or abuse, stalking, or trafficking of persons~~[-or an offense under Section 22.011, 22.021, 25.02, or 42.072, Penal Code,]~~ in the form of:

(1) an active or recently issued [protective] order described by Subsection (a)(1)(B);

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

(3) a statement of a physician or other health care provider regarding the [applicant's] medical condition of the applicant, applicant's child, or other person in the applicant's household as a result of the family violence, sexual assault or abuse, stalking, or trafficking of persons~~[-or offense]; [or]~~

(4) a statement of a mental health professional, a member of the clergy, an attorney or other legal advocate, a trained

(1) a signed, sworn statement by the applicant stating that the applicant fears for the safety of the applicant, the applicant's child, or another person in the applicant's household because of a threat of immediate or future harm caused by the person who committed or is alleged to have committed the family violence, sexual assault or abuse, stalking, or [the] trafficking of persons~~[-or an offense under Section 22.011, 22.021, 25.02, or 42.072, Penal Code];~~

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

(3) a statement of a physician or other health care provider regarding the [applicant's] medical condition of the applicant, applicant's child, or other person in the applicant's household as a result of the family violence, sexual assault or abuse, stalking, or trafficking of persons~~[-or offense]; [or]~~

(4) a statement of a mental health professional, a member of the clergy, an attorney or other legal advocate, a trained

staff member of a family violence center, or another professional who has assisted the applicant, applicant's child, or other person in the applicant's household in addressing the effects of the family violence, sexual assault or abuse, stalking, or trafficking of persons; or (5) any other independent documentary evidence necessary to show the applicant's eligibility to participate in the program~~[, or offense]~~.

SECTION 5. Article 56.90(a), Code of Criminal Procedure, is amended.

SECTION 6. Section 13.004(c), Election Code, is amended.

SECTION 7. Section 25.025(a), Tax Code, is amended.

SECTION 8. 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, 2017.

staff member of a family violence center, or another professional who has assisted the applicant, applicant's child, or other person in the applicant's household in addressing the effects of the family violence, sexual assault or abuse, stalking, or trafficking of persons; or (5) any other independent documentary evidence necessary to show the applicant's eligibility to participate in the program~~[, or offense]~~.

SECTION 5. Same as introduced version.

SECTION 6. Same as introduced version.

SECTION 7. Same as introduced version.

SECTION 8. Same as introduced version.