

BILL ANALYSIS

Senate Research Center
77R1335 JMC-D

S.B. 27
By: Shapiro
State Affairs
2/20/2001
As Filed

DIGEST AND PURPOSE

Under current law, Texas has no method of keeping home, school, or work addresses confidential for victims of domestic violence or stalking. As a result, many victims live in fear and try to remain underground by not enrolling their children in school, registering to vote, opening bank accounts, obtaining credit cards, or even ordering telephone service. As proposed, S.B. 557 creates a substitute address and a system by which to maintain a victim's true address confidential on government records.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the secretary of state in SECTION 1 (Articles 56.93, 56.95, 56.98, Code of Criminal Procedure) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 56, Code of Criminal Procedure, by adding Subchapter C, as follows:

SUBCHAPTER C. ADDRESS CONFIDENTIALITY PROGRAM FOR VICTIMS OF FAMILY VIOLENCE OR STALKING

Article 56.91. DEFINITIONS. Defines "applicant," "family violence," "family violence shelter center," "participant," and "program."

Article 56.92. ADDRESS CONFIDENTIALITY PROGRAM. Requires the secretary of state to establish an address confidentiality program (program) to assist a victim of family violence or an offense under Section 42.072 (Stalking), Penal Code, in maintaining a confidential address. Requires the secretary of state to carry out certain other duties to implement the program. Provides that a participant's true residential, business, or school address is confidential, except as provided by Article 56.96.

Article 56.93. ELIGIBILITY TO PARTICIPATE IN PROGRAM. Sets forth that in order to be eligible for the program an applicant must follow certain procedures. Requires an application to contain certain features. Provides that an applicant is not required to prove the commission of a criminal offense to be eligible for participation in the program. Provides that it is sufficient that the applicant make a signed, sworn statement. Authorizes the secretary of state by rule to establish additional eligibility requirements for participation in the program that are consistent with the purpose of the program.

Article 56.94 INELIGIBILITY AND CANCELLATION. Provides that an applicant is ineligible for, and authorizes a participant's exclusion from, participation in the program if the applicant or participant knowingly makes a false statement on an application filed under Article 56.93.

Article 56.95. ACCEPTANCE OF SUBSTITUTE ADDRESS; EXEMPTIONS. Requires a state or local agency to accept the substitute address designated by the secretary of state if it is given in place of the participant's true address, except as provided by Subsection (b). Authorizes

the secretary of state by rule to permit an agency to require a participant's true address if it is necessary to perform a duty or function that is imposed by law.

Article 56.96. EXCEPTIONS. Requires the secretary of state to disclose a participant's true address if requested by a law enforcement agency or by court order, or if it is necessary to administer the program.

Article 56.97. AGENCY ASSISTANCE. Requires the secretary of state to identify state and local agencies that provide services to victims of family violence and require the agencies to provide access to the program, including specified forms of access.

Article 56.98. RULES. Requires the secretary of state to adopt rules to administer the program.

SECTION 2. Amends Chapter 82, Election Code, by adding Section 82.007, as follows:

Section 82.007. PARTICIPATION IN ADDRESS CONFIDENTIALITY PROGRAM. Provides that a qualified voter is eligible for early voting by mail, if at the time the early voting ballot application is submitted, the voter is accepted for participation in the address confidentiality program.

SECTION 3. Amends Chapter 84A, Election Code, by adding Section 84.0021, as follows:

Section 84.0021. CONTENTS OF APPLICATION FOR PARTICIPATION IN ADDRESS CONFIDENTIALITY PROGRAM; CONFIDENTIAL INFORMATION. Requires an early voting ballot application submitted by a qualified voter to include certain information. Sets forth that the information contained in the application is confidential unless it is requested by a law enforcement agency or a court order.

SECTION 4. Requires the secretary of state to establish a program and adopt rules to administer the program no later than June 1, 2002.

SECTION 5. Effective date: upon passage or September 1, 2001.