

SUBJECT: Exempting certain petitioners for name changes from certain requirements

COMMITTEE: Criminal Jurisprudence — favorable, without amendment

VOTE: 9 ayes — Collier, K. Bell, Cason, Cook, Crockett, Hinojosa, A. Johnson, Murr, Vasut

0 nays

WITNESSES: For — (*Registered, but did not testify*: M. Paige Williams, for Dallas County Criminal District Attorney John Creuzot; Laura Nodolf, Midland County District Attorney's Office; Jo Cassandra Cuevas, Operation Texas Shield; Breall Baccus, Texas Council on Family Violence; Thomas Parkinson)

Against — None

BACKGROUND: Under Family Code sec. 45.102, a petition to change the name of an adult must be verified and include:

- the present name and place of residence of the petitioner;
- the full name requested for the petitioner;
- the reason the change in name is requested;
- whether the petitioner has been the subject of a final felony conviction;
- whether the petitioner is subject to sex offender registration program requirements; and
- a legible and complete set of the petitioner's fingerprints on a fingerprint card format acceptable to specified agencies.

Sec. 45.103 requires the court to order a change of name for an adult other than an adult with a final felony conviction or an adult subject to the sex offender registration requirements if the change is in the interest or to the benefit of the petitioner and in the interest of the public.

Code of Criminal Procedure art. 58.052 requires the attorney general to establish an address confidentiality program to assist victims of family violence, sexual assault or abuse, trafficking of persons, or stalking. Through the program, the attorney general ensures the confidentiality of a participant's residential, business, or school addresses and designates a substitute post office box address for a participant to use in place of the real address.

Concerns have been raised that providing the required information for a name change in Texas can pose a risk to individuals enrolled in the address confidentiality program, many of whom may seek a name change to further protect themselves from an abuser.

DIGEST:

HB 2301 would exempt an adult petitioner for a name change from the requirements that the petition provide the street address of the petitioner's place of residence and the petitioner's reason for the requested change of name if the petitioner provided a copy of an authorization card certifying that the person was a participant in the address confidentiality program administered by the attorney general.

If the petitioner provided a copy of such authorization, it would be presumed that a change of name was in the interest or to the benefit of the petitioner and in the interest of the public. A subsequent court order for a change of name would be confidential and could not be released by the court to any person, regardless of whether the petitioner continued to participate in the address confidentiality program following the change of name.

The bill would take effect September 1, 2021, and would apply only to a petition for a change of name submitted on or after that date.