

BILL ANALYSIS

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S.B. 256
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Criminal Justice
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AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

S.B. 256 protects the confidentiality of home addresses for victims of family violence, sexual assault, human trafficking, or stalking. While victims may obtain protective orders, those writs do not require the redaction of their home addresses from public records. Specifically, both the property tax appraisal records maintained by county appraisal districts and the voter registration rolls maintained by county voter registrars are not required to have victims' addresses classified as confidential. This creates a loophole where, even though an offender may be barred from interacting with a victim pursuant to a protective order, that person may still search public records for the victim's home address once the order has expired. Furthermore, even if a victim does not seek a protective order, their address may be discovered by the offender within public tax appraisal and voter registration records. S.B. 256 fixes these loopholes by specifying that the home address of any person eligible for a protective order for family violence, sexual assault, trafficking, or stalking be classified as confidential within tax appraisal and voter registration records. The bill also clarifies that a person participating in the Address Confidentiality Program (ACP) administered by the attorney general is eligible to have their address kept confidential within these records.

S.B. 256 also modifies the ACP to broaden eligibility for victims' participation in the program. Currently, a person must meet several eligibility requirements, including meeting with a counselor and filing an application, in order to participate in the ACP. Once enrolled, ACP, provides a confidential mailing address for victims, allowing them to avoid unwanted detection. S.B. 256 broadens the classes of individuals eligible to participate in the ACP to include persons with a protective order for family violence, sexual assault, human trafficking, or stalking.

As proposed, S.B. 256 amends current law relating to the confidentiality of home address information of certain victims of family violence, sexual assault or abuse, stalking, or trafficking of persons.

RULEMAKING AUTHORITY

Rulemaking authority previously granted to the attorney general is modified in SECTION 4 (Section 56.83, Code of Criminal Procedure) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends the heading to Subchapter C, Chapter 56, Code of Criminal Procedure, to read as follows:

SUBCHAPTER C. ADDRESS CONFIDENTIALITY PROGRAM FOR VICTIMS OF
FAMILY VIOLENCE, SEXUAL ASSAULT OR ABUSE, STALKING, OR TRAFFICKING
OF PERSONS

SECTION 2. Amends Article 56.81, Code of Criminal Procedure, by adding Subdivisions (3-a), (6-a), (6-b), and (6-c) to define "household," "sexual abuse," "sexual assault," and "stalking" and amending Subdivision (7) to redefine "trafficking of persons."

SECTION 3. Amends Article 56.82(a), Code of Criminal Procedure, to require the attorney general to establish an address confidentiality program (program) to assist a victim of family

violence, sexual assault or abuse, stalking, or trafficking of persons in maintaining a confidential address, rather than to assist a victim of family violence, trafficking of persons, or an offense under Section 22.011 (Sexual Assault), 22.021 (Aggravated Sexual Assault), 25.02 (Prohibited Sexual Conduct), or 42.072 (Stalking), Penal Code, in maintaining a confidential address.

SECTION 4. Amends Section 56.83, Code of Criminal Procedure, by amending Subsections (a), (b), and (e) and adding Subsection (e-1), as follows:

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

(1) either:

(A) meet with a victim's assistance counselor with certain designations that provides counseling and shelter services to victims of family violence, sexual assault or abuse, stalking, or trafficking of persons, rather than provides counseling and shelter services to victims of family violence, 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 a temporary injunction issued under Subchapter F (Temporary Orders), Chapter 6 (Suit for Dissolution of Marriage), Family Code, a temporary ex parte order issued under Chapter 83 (Temporary Ex Parte Orders), Family Code, an order issued under Chapter 7A (Protective Order for Victims of Sexual Assault or Abuse, Stalking, or Trafficking) or Article 6.09 (Stalking Protective Order) of this code or Chapter 85 (Issuance of Protective Order), Family Code, or a magistrate's order for emergency protection issued under Article 17.292 (Magistrate's Order for Emergency Protection); or

(C) possess documentation of family violence, as identified by the adopted rules, or of sexual assault or abuse or stalking, as described by Section 92.0161 (Right to Vacate and Avoid Liability Following Certain Sex Offenses or Stalking), Property Code;

(2) makes no changes to this subdivision;

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

(4) creates this subdivision from existing text and makes no further changes to this subdivision;

(5) redesignates existing Subdivision (4) as Subdivision (5) and makes conforming changes.

(b) Requires that an application under Subsection (a)(2) contain a statement by the applicant of whether there is an existing court order or certain pending court cases that involve the applicant, the applicant's child, or another person in the applicant's household, rather than involves the applicant. Makes conforming and nonsubstantive changes.

(e) Authorizes the attorney general by rule to establish additional consistent eligibility requirements for participation in the program.

(e-1) Creates this subsection from existing text and makes conforming changes. Authorizes the attorney general to establish procedures for an applicant to submit documentary evidence in the form of:

- (1) an active or recently issued order described by Subsection (a)(1)(B), rather than an active or recently issued protective order;
- (2) makes no changes to this subdivision;
- (3) a physician or other health care provider's statement regarding the medical condition of the applicant, applicant's child, or other person in the applicant's household, rather than regarding the applicant's medical condition, as a result of the family violence, sexual assault or abuse, stalking, or trafficking of persons, rather than as a result of the family violence, trafficking of persons, or offense;
- (4) makes conforming changes; or
- (5) any other independent documentary evidence necessary to show the applicant's eligibility to participate in the program.

SECTION 5. Amends Article 56.90(a), Code of Criminal Procedure, to require the attorney general to disclose a participant's true residential, business, or school address if requested by a law enforcement agency for the purpose of conducting an investigation, rather than if requested by a law enforcement agency, and makes a nonsubstantive change.

SECTION 6. Amends Section 13.004(c), Election Code, as follows:

(c) Establishes the confidentiality of the following information furnished on a registration application:

- (1) through (3) makes no changes to these subdivisions;
- (4) through (5) makes a nonsubstantive change;
- (6) the residence address of the applicant, if the applicant, the applicant's child, or another person in the applicant's household is a victim of family violence as defined by Section 71.004 (Family Violence), Family Code, who provided the voter registrar with certain documentary evidence;
- (7) the residence address of the applicant, if the applicant, the applicant's child, or another person in the applicant's household is a victim of sexual assault or abuse, stalking, or trafficking of persons who provided the voter registrar with certain documentary evidence; or
- (8) the residence address of the applicant, if the applicant is a participant in the address confidentiality program administered by the attorney general under Subchapter C, Chapter 56, Code of Criminal Procedure, and provided the voter registrar with proof of certification under Article 56.84 (Certification; Expiration), Code of Criminal Procedure.

SECTION 7. Amends Section 25.025(a), Tax Code, as follows:

(a) Provides that this section applies only to:

- (1) through (4) makes no changes to these subdivisions;
- (5) an individual who shows that the individual, the individual's child, or another person in the individual's household is a victim of family violence by providing certain documentary evidence, rather than a victim of family violence if as a result of the act of family violence against the victim, the actor is convicted of a felony or a Class A misdemeanor;

(6) an individual who shows that the individual, the individual's child, or another person in the individual's household is a victim of sexual assault or abuse, stalking, or trafficking of persons by providing certain documentary evidence;

(7) a participant in the address confidentiality program administered by the attorney general under Subchapter C, Chapter 56, Code of Criminal Procedure, who provides proof of certification under Article 56.84, Code of Criminal Procedure;

(8) creates this subdivision from existing text and makes no further changes to this subdivision;

(9) through (19) redesignates existing Subdivisions (7), (8), (9), (10), (11), (12), (13), (14), (15), (16), and (17) as Subdivisions (9), (10), (11), (12), (13), (14), (15), (16), (17), (18), and (19) and makes no further changes to these subdivisions.

SECTION 8. Effective date: upon passage or September 1, 2017.