

BILL ANALYSIS

Senate Research Center

S.B. 1325
By: Alvarado
Criminal Justice
5/2/2023
Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

What does this bill do?

- S.B. 1325 directs the Health and Human Services Commission (HHSC) to adopt a written notice to be provided to victims of family violence.

How does the bill do it?

- It directs HHSC to use best practices to create a notice with standardized information to assist victims of family violence across the state.
- The written notice will include contact information for the National Domestic Violence Hotline, Texas Department of Public Safety victims' support services, HHSC's family violence program, crime victims' rights and localized information for community resources for safety planning, shelter and protection.
- It amends the Code of Criminal Procedure to mandate peace officers to provide the notice to possible victims of family violence.
- It amends the Education Code to mandate campus peace officers to provide the notice when responding to a disturbance call involving family violence.
- It amends the Family Code to mandate medical professionals to provide the notice when treating victims with injuries caused by family violence.

Background and Purpose:

- Victims of domestic violence are often unaware of available community resources and their rights as a victim.
- Peace officers responding to domestic violence cases provide informational written notices to victims. These notices do not contain all the relevant information on victims' rights. The information is sometimes inaccurate due to a lack of coordination at the state level.
- A standardized written notice will ensure that all victims of family violence can be connected with appropriate resources as early as possible from any relevant provider.

Fiscal Impact: To be determined.

(Original Author's/Sponsor's Statement of Intent)

S.B. 1325 amends current law relating to the notice given to certain victims of family violence, stalking, harassment, or terroristic threat.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Health and Human Services Commission in SECTION 2 (Section 51A.003, Human Resources Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Requires that this Act be known as the Natalia Cox Act.

SECTION 2. Amends Subtitle E, Title 2, Human Resources Code, by adding Chapter 51A, as follows:

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

Sec. 51A.001. DEFINITIONS. Defines "family," "family violence," "harassment," "household," "member of a household," "stalking," and "terroristic threat."

Sec. 51A.002. APPLICABILITY TO VICTIMS OF CERTAIN OFFENSES. Provides that this chapter applies to a victim of family violence, stalking, harassment, or terroristic threat, including:

- (1) an adult member of a family or household who is subjected to an act of family violence;
- (2) a member of the household of the adult described by Subdivision (1), other than the member of the household who commits the act of family violence; and
- (3) a person who is subjected to conduct constituting stalking, harassment, or terroristic threat.

Sec. 51A.003. NOTICE TO VICTIMS. (a) Requires the Health and Human Services Commission (HHSC) by rule to adopt a written notice to be provided to victims of family violence, stalking, harassment, or terroristic threat to assist those victims in obtaining services. Requires HHSC to use best practices in creating the written notice.

(b) Requires that the notice adopted under this section include the following in both English and Spanish:

- (1) a statement that it is a criminal offense for any person, including a member of the family or former member of the family, to cause physical injury or harm to a victim or to engage in conduct constituting stalking, harassment, or terroristic threat toward a victim;
- (2) a list of agencies and social organizations that the victim may contact for assistance with safety planning, shelter, or protection;
- (3) contact information for:
 - (A) the National Domestic Violence Hotline;
 - (B) victim support services at the Department of Public Safety of the State of Texas; and
 - (C) HHSC's family violence program; and
- (4) information regarding the legal rights of a victim, including information regarding:
 - (A) the filing of criminal charges and obtaining a protective order or a magistrate's order for emergency protection; and
 - (B) the ability of a tenant who is a victim of family violence to vacate a dwelling and terminate a residential lease.

(c) Authorizes the notice adopted under this section to include any other information HHSC considers useful to a victim of family violence, stalking, harassment, or terroristic threat.

(d) Requires HHSC to periodically update the notice required under this section.

(e) Requires HHSC to make the notice adopted under this section available on HHSC's Internet website in both English and Spanish.

SECTION 3. Amends Chapter 2, Code of Criminal Procedure, by adding Article 2.1398, as follows:

Art. 2.1398. DUTIES OF PEACE OFFICER INVESTIGATING STALKING, HARASSMENT, OR TERRORISTIC THREAT. (a) Defines "harassment," "stalking," and "terroristic threat."

(b) Requires a peace officer who investigates an allegation of stalking, harassment, or terroristic threat to advise any possible adult victim of all reasonable means to prevent the occurrence of further offenses, including by providing the written notice adopted by HHSC under Section 51A.003, Human Resources Code. Authorizes a peace officer, in addition to the required notice under this subsection, to provide to the possible victim any available written information regarding local resources for victims of stalking, harassment, or terroristic threat.

SECTION 4. Amends Article 5.04(b), Code of Criminal Procedure, as follows:

(b) Requires a peace officer who investigates a family violence allegation or who responds to a disturbance call that may involve family violence to advise any possible adult victim of all reasonable means to prevent further family violence, including providing the written notice adopted by HHSC under Section 51A.003, Human Resources Code, rather than giving written notice of a victim's legal rights and remedies and of the availability of shelter or other community services for family violence victims. Authorizes a peace officer, in addition to the required notice under this subsection, to provide to the possible victim any available written information regarding local resources for victims of family violence.

SECTION 5. Amends Subchapter E-3, Chapter 51, Education Code, by adding Section 51.2825, as follows:

Sec. 51.2825. CERTAIN DUTIES OF CAMPUS PEACE OFFICER INVESTIGATING FAMILY VIOLENCE, STALKING, HARASSMENT, OR TERRORISTIC THREAT. (a) Defines "campus peace officer," "family violence," "harassment," "stalking," and "terroristic threat."

(b) Requires a campus peace officer who responds to a disturbance call that may involve family violence or investigates an allegation of family violence, stalking, harassment, or terroristic threat to advise any possible adult victim of all reasonable means to prevent the occurrence of further offenses, including by providing the written notice adopted by HHSC under Section 51A.003, Human Resources Code. Requires a campus peace officer, in addition to the required notice under this subsection, to provide to the possible victim any available written information regarding campus and local resources for victims of family violence, stalking, harassment, or terroristic threat.

SECTION 6. Amends Section 91.003, Family Code, as follows:

Sec. 91.003. INFORMATION PROVIDED BY MEDICAL PROFESSIONALS. Requires a medical professional who treats a person for injuries that the medical professional has reason to believe were caused by family violence to:

(1)-(2) makes no changes to these subdivisions; and

(3) give the person the written notice adopted by HHSC under Section 51A.002, Human Resources Code. Deletes existing text setting forth the language required to be included on a written notice.

SECTION 7. Repealer: Article 5.04(c) (relating to setting forth the language required to be included on a written notice of a victim's legal rights and remedies and of the availability of shelter or other community services for family violence victims), Code of Criminal Procedure.

SECTION 8. Requires HHSC, not later than December 1, 2023, to adopt and make available the notice required by Chapter 51A, Human Resources Code, as added by this Act.

SECTION 9. Makes application of Article 2.1398, Code of Criminal Procedure, as added by this Act, Article 5.04, Code of Criminal Procedure, as amended by this Act, and Section 51.2825, Education Code, as added by this Act, prospective to January 1, 2024.

SECTION 10. Makes application of Section 91.003, Family Code, as amended by this Act, prospective to January 1, 2024.

SECTION 11. Effective date: upon passage or September 1, 2023.