

BILL ANALYSIS

S.B. 256
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Criminal Jurisprudence
Committee Report (Unamended)

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 S.B. 256 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

S.B. 256 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.

S.B. 256 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.

S.B. 256 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.