

1-1 By: Powell S.B. No. 2390
 1-2 (In the Senate - Filed March 8, 2019; March 21, 2019, read
 1-3 first time and referred to Committee on State Affairs;
 1-4 April 8, 2019, reported adversely, with favorable Committee
 1-5 Substitute by the following vote: Yeas 9, Nays 0; April 8, 2019,
 1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			
1-17	X			

1-18 COMMITTEE SUBSTITUTE FOR S.B. No. 2390 By: Zaffirini

1-19 A BILL TO BE ENTITLED
 1-20 AN ACT

1-21 relating to the confidentiality of certain personal information of
 1-22 a person protected by a magistrate's order for emergency
 1-23 protection.

1-24 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-25 SECTION 1. Chapter 17, Code of Criminal Procedure, is
 1-26 amended by adding Article 17.294 to read as follows:

1-27 Art. 17.294. CONFIDENTIALITY OF CERTAIN INFORMATION IN
 1-28 ORDER FOR EMERGENCY PROTECTION. On request by a person protected by
 1-29 an order for emergency protection issued under Article 17.292, or
 1-30 if determined necessary by the magistrate, the court issuing the
 1-31 order may protect the person's mailing address by rendering an
 1-32 order:

1-33 (1) requiring the person protected under the order to:
 1-34 (A) disclose the person's mailing address to the
 1-35 court;

1-36 (B) designate another person to receive on behalf
 1-37 of the person any notice or documents filed with the court related
 1-38 to the order; and

1-39 (C) disclose the designated person's mailing
 1-40 address to the court;

1-41 (2) requiring the court clerk to:

1-42 (A) strike the mailing address of the person
 1-43 protected by the order from the public records of the court, if
 1-44 applicable; and

1-45 (B) maintain a confidential record of the mailing
 1-46 address for use only by:

1-47 (i) the court; or

1-48 (ii) a law enforcement agency for purposes
 1-49 of entering the information required by Section 411.042(b)(6),
 1-50 Government Code, into the statewide law enforcement information
 1-51 system maintained by the Department of Public Safety; and

1-52 (3) prohibiting the release of the information to the
 1-53 defendant.

1-54 SECTION 2. Section 411.042(b), Government Code, is amended
 1-55 to read as follows:

1-56 (b) The bureau of identification and records shall:

1-57 (1) procure and file for record photographs, pictures,
 1-58 descriptions, fingerprints, measurements, and other pertinent
 1-59 information of all persons arrested for or charged with a criminal
 1-60 offense or convicted of a criminal offense, regardless of whether

2-1 the conviction is probated;

2-2 (2) collect information concerning the number and
 2-3 nature of offenses reported or known to have been committed in the
 2-4 state and the legal steps taken in connection with the offenses, and
 2-5 other information useful in the study of crime and the
 2-6 administration of justice, including information that enables the
 2-7 bureau to create a statistical breakdown of:

2-8 (A) offenses in which family violence was
 2-9 involved;

2-10 (B) offenses under Sections 22.011 and 22.021,
 2-11 Penal Code; and

2-12 (C) offenses under Sections 20A.02, 43.02(a),
 2-13 43.02(b), 43.03, and 43.05, Penal Code;

2-14 (3) make ballistic tests of bullets and firearms and
 2-15 chemical analyses of bloodstains, cloth, materials, and other
 2-16 substances for law enforcement officers of the state;

2-17 (4) cooperate with identification and crime records
 2-18 bureaus in other states and the United States Department of
 2-19 Justice;

2-20 (5) maintain a list of all previous background checks
 2-21 for applicants for any position regulated under Chapter 1702,
 2-22 Occupations Code, who have undergone a criminal history background
 2-23 check under Section 411.119, if the check indicates a Class B
 2-24 misdemeanor or equivalent offense or a greater offense;

2-25 (6) collect information concerning the number and
 2-26 nature of protective orders and magistrate's orders of emergency
 2-27 protection and all other pertinent information about all persons
 2-28 subject to active orders, including pertinent information about
 2-29 persons subject to conditions of bond imposed for the protection of
 2-30 the victim in any family violence, sexual assault or abuse,
 2-31 stalking, or trafficking case. Information in the law enforcement
 2-32 information system relating to an active order shall include:

2-33 (A) the name, sex, race, date of birth, personal
 2-34 descriptors, address, and county of residence of the person to whom
 2-35 the order is directed;

2-36 (B) any known identifying number of the person to
 2-37 whom the order is directed, including the person's social security
 2-38 number or driver's license number;

2-39 (C) the name and county of residence of the
 2-40 person protected by the order;

2-41 (D) the residence address and place of employment
 2-42 or business of the person protected by the order [~~unless that~~
 2-43 ~~information is excluded from the order under Article 17.292(e),~~
 2-44 ~~Code of Criminal Procedure~~];

2-45 (E) the child-care facility or school where a
 2-46 child protected by the order normally resides or which the child
 2-47 normally attends [~~unless that information is excluded from the~~
 2-48 ~~order under Article 17.292(e), Code of Criminal Procedure~~];

2-49 (F) the relationship or former relationship
 2-50 between the person who is protected by the order and the person to
 2-51 whom the order is directed;

2-52 (G) the conditions of bond imposed on the person
 2-53 to whom the order is directed, if any, for the protection of a
 2-54 victim in any family violence, sexual assault or abuse, stalking,
 2-55 or trafficking case;

2-56 (H) any minimum distance the person subject to
 2-57 the order is required to maintain from the protected places or
 2-58 persons; and

2-59 (I) the date the order expires;

2-60 (7) grant access to criminal history record
 2-61 information in the manner authorized under Subchapter F;

2-62 (8) collect and disseminate information regarding
 2-63 offenders with mental impairments in compliance with Chapter 614,
 2-64 Health and Safety Code; and

2-65 (9) record data and maintain a state database for a
 2-66 computerized criminal history record system and computerized
 2-67 juvenile justice information system that serves:

2-68 (A) as the record creation point for criminal
 2-69 history record information and juvenile justice information

3-1 maintained by the state; and
3-2 (B) as the control terminal for the entry of
3-3 records, in accordance with federal law and regulations, federal
3-4 executive orders, and federal policy, into the federal database
3-5 maintained by the Federal Bureau of Investigation.

3-6 SECTION 3. The changes in law made by this Act apply only to
3-7 a magistrate's order for emergency protection issued on or after
3-8 the effective date of this Act. An order issued before the
3-9 effective date of this Act is governed by the law in effect on the
3-10 date the order was issued, and the former law is continued in effect
3-11 for that purpose.

3-12 SECTION 4. This Act takes effect September 1, 2019.

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