

1-1 By: Hughes S.B. No. 841
1-2 (In the Senate - Filed February 26, 2021; March 11, 2021,
1-3 read first time and referred to Committee on State Affairs;
1-4 April 1, 2021, reported favorably by the following vote: Yeas 9,
1-5 Nays 0; April 1, 2021, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	Hughes	X		
1-9	Birdwell	X		
1-10	Campbell	X		
1-11	Hall	X		
1-12	Lucio	X		
1-13	Nelson	X		
1-14	Powell	X		
1-15	Schwertner	X		
1-16	Zaffirini	X		

1-17 A BILL TO BE ENTITLED
1-18 AN ACT

1-19 relating to the availability of personal information of individuals
1-20 who are honorably retired from certain law enforcement positions.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-22 SECTION 1. Section 552.003, Government Code, is amended by
1-23 adding Subdivision (1-b) to read as follows:

1-24 (1-b) "Honorably retired" means, with respect to a
1-25 position, an individual who:

1-26 (A) previously served but is not currently
1-27 serving in the position;

1-28 (B) did not retire in lieu of any disciplinary
1-29 action;

1-30 (C) was eligible to retire from the position or
1-31 was ineligible to retire only as a result of an injury received in
1-32 the course of the individual's employment in the position; and

1-33 (D) is eligible to receive a pension or annuity
1-34 for service in the position or is ineligible to receive a pension or
1-35 annuity only because the entity that employed the individual does
1-36 not offer a pension or annuity to its employees.

1-37 SECTION 2. Section 552.117(a), Government Code, as
1-38 reenacted and amended by Chapters 367 (H.B. 1351), 633 (S.B. 1494),
1-39 1146 (H.B. 2910), 1213 (S.B. 662), and 1245 (H.B. 2446), Acts of the
1-40 86th Legislature, Regular Session, 2019, is reenacted and amended
1-41 to read as follows:

1-42 (a) Information is excepted from the requirements of
1-43 Section 552.021 if it is information that relates to the home
1-44 address, home telephone number, emergency contact information, or
1-45 social security number of the following person or that reveals
1-46 whether the person has family members:

1-47 (1) a current or former official or employee of a
1-48 governmental body, except as otherwise provided by Section 552.024;

1-49 (2) a current or honorably retired peace officer as
1-50 defined by Article 2.12, Code of Criminal Procedure, or a current or
1-51 honorably retired security officer commissioned under Section
1-52 51.212, Education Code, regardless of whether the officer complies
1-53 with Section 552.024 or 552.1175, as applicable;

1-54 (3) a current or former employee of the Texas
1-55 Department of Criminal Justice or of the predecessor in function of
1-56 the department or any division of the department, regardless of
1-57 whether the current or former employee complies with Section
1-58 552.1175;

1-59 (4) a peace officer as defined by Article 2.12, Code of
1-60 Criminal Procedure, or other law, a reserve law enforcement
1-61 officer, a commissioned deputy game warden, or a corrections

2-1 officer in a municipal, county, or state penal institution in this
2-2 state who was killed in the line of duty, regardless of whether the
2-3 deceased complied with Section 552.024 or 552.1175;

2-4 (5) a commissioned security officer as defined by
2-5 Section 1702.002, Occupations Code, regardless of whether the
2-6 officer complies with Section 552.024 or 552.1175, as applicable;

2-7 (6) an officer or employee of a community supervision
2-8 and corrections department established under Chapter 76 who
2-9 performs a duty described by Section 76.004(b), regardless of
2-10 whether the officer or employee complies with Section 552.024 or
2-11 552.1175;

2-12 (7) a current or former employee of the office of the
2-13 attorney general who is or was assigned to a division of that office
2-14 the duties of which involve law enforcement, regardless of whether
2-15 the current or former employee complies with Section 552.024 or
2-16 552.1175;

2-17 (8) a current or former employee of the Texas Juvenile
2-18 Justice Department or of the predecessors in function of the
2-19 department, regardless of whether the current or former employee
2-20 complies with Section 552.024 or 552.1175;

2-21 (9) a current or former juvenile probation or
2-22 supervision officer certified by the Texas Juvenile Justice
2-23 Department, or the predecessors in function of the department,
2-24 under Title 12, Human Resources Code, regardless of whether the
2-25 current or former officer complies with Section 552.024 or
2-26 552.1175;

2-27 (10) a current or former employee of a juvenile
2-28 justice program or facility, as those terms are defined by Section
2-29 261.405, Family Code, regardless of whether the current or former
2-30 employee complies with Section 552.024 or 552.1175;

2-31 (11) a current or former member of the United States
2-32 Army, Navy, Air Force, Coast Guard, or Marine Corps, an auxiliary
2-33 service of one of those branches of the armed forces, or the Texas
2-34 military forces, as that term is defined by Section 437.001;

2-35 (12) a current or former district attorney, criminal
2-36 district attorney, or county or municipal attorney whose
2-37 jurisdiction includes any criminal law or child protective services
2-38 matters, regardless of whether the current or former attorney
2-39 complies with Section 552.024 or 552.1175;

2-40 (13) a current or former employee of a district
2-41 attorney, criminal district attorney, or county or municipal
2-42 attorney whose jurisdiction includes any criminal law or child
2-43 protective services matters, regardless of whether the current or
2-44 former employee complies with Section 552.024 or 552.1175;

2-45 (14) a current or former employee of the Texas Civil
2-46 Commitment Office or of the predecessor in function of the office or
2-47 a division of the office, regardless of whether the current or
2-48 former employee complies with Section 552.024 or 552.1175; [~~or~~]

2-49 (15) a current or former federal judge or state judge,
2-50 as those terms are defined by Section 1.005, Election Code, or a
2-51 spouse of a current or former federal judge or state judge;

2-52 (16) a current or former child protective services
2-53 caseworker, adult protective services caseworker, or investigator
2-54 for the Department of Family and Protective Services, regardless of
2-55 whether the caseworker or investigator complies with Section
2-56 552.024 or 552.1175, or a current or former employee of a department
2-57 contractor performing child protective services caseworker, adult
2-58 protective services caseworker, or investigator functions for the
2-59 contractor on behalf of the department; [~~or~~]

2-60 (17) [~~(16)~~] a state officer elected statewide or a
2-61 member of the legislature, regardless of whether the officer or
2-62 member complies with Section 552.024 or 552.1175;

2-63 (18) [~~(16)~~] a current or former United States attorney
2-64 or assistant United States attorney and the spouse or child of the
2-65 attorney; or

2-66 (19) [~~(16)~~] a firefighter or volunteer firefighter or
2-67 emergency medical services personnel as defined by Section 773.003,
2-68 Health and Safety Code, regardless of whether the firefighter or
2-69 volunteer firefighter or emergency medical services personnel

3-1 comply with Section [552.024](#) or [552.1175](#), as applicable.

3-2 SECTION 3. Section [552.1175](#)(a), Government Code, as amended
3-3 by Chapters 367 (H.B. 1351), 633 (S.B. 1494), 1146 (H.B. 2910), 1213
3-4 (S.B. 662), and 1245 (H.B. 2446), Acts of the 86th Legislature,
3-5 Regular Session, 2019, is reenacted and amended to read as follows:

3-6 (a) This section applies only to:

3-7 (1) current or honorably retired peace officers as
3-8 defined by Article [2.12](#), Code of Criminal Procedure, or special
3-9 investigators as described by Article [2.122](#), Code of Criminal
3-10 Procedure;

3-11 (2) current or honorably retired county jailers as
3-12 defined by Section [1701.001](#), Occupations Code;

3-13 (3) current or former employees of the Texas
3-14 Department of Criminal Justice or of the predecessor in function of
3-15 the department or any division of the department;

3-16 (4) commissioned security officers as defined by
3-17 Section [1702.002](#), Occupations Code;

3-18 (5) a current or former district attorney, criminal
3-19 district attorney, or county or municipal attorney whose
3-20 jurisdiction includes any criminal law or child protective services
3-21 matters;

3-22 (5-a) a current or former employee of a district
3-23 attorney, criminal district attorney, or county or municipal
3-24 attorney whose jurisdiction includes any criminal law or child
3-25 protective services matters;

3-26 (6) officers and employees of a community supervision
3-27 and corrections department established under Chapter [76](#) who perform
3-28 a duty described by Section [76.004](#)(b);

3-29 (7) criminal investigators of the United States as
3-30 described by Article [2.122](#)(a), Code of Criminal Procedure;

3-31 (8) current or honorably retired police officers and
3-32 inspectors of the United States Federal Protective Service;

3-33 (9) current and former employees of the office of the
3-34 attorney general who are or were assigned to a division of that
3-35 office the duties of which involve law enforcement;

3-36 (10) current or former juvenile probation and
3-37 detention officers certified by the Texas Juvenile Justice
3-38 Department, or the predecessors in function of the department,
3-39 under Title 12, Human Resources Code;

3-40 (11) current or former employees of a juvenile justice
3-41 program or facility, as those terms are defined by Section [261.405](#),
3-42 Family Code;

3-43 (12) current or former employees of the Texas Juvenile
3-44 Justice Department or the predecessors in function of the
3-45 department;

3-46 (13) federal judges and state judges as defined by
3-47 Section [1.005](#), Election Code;

3-48 (14) current or former employees of the Texas Civil
3-49 Commitment Office or of the predecessor in function of the office or
3-50 a division of the office; ~~and~~

3-51 (15) a current or former member of the United States
3-52 Army, Navy, Air Force, Coast Guard, or Marine Corps, an auxiliary
3-53 service of one of those branches of the armed forces, or the Texas
3-54 military forces, as that term is defined by Section [437.001](#);

3-55 (16) ~~(15)~~ a current or former child protective
3-56 services caseworker, adult protective services caseworker, or
3-57 investigator for the Department of Family and Protective Services
3-58 or a current or former employee of a department contractor
3-59 performing child protective services caseworker, adult protective
3-60 services caseworker, or investigator functions for the contractor
3-61 on behalf of the department; ~~and~~

3-62 (17) ~~(15)~~ state officers elected statewide and
3-63 members of the legislature; ~~and~~

3-64 (18) ~~(15)~~ a firefighter or volunteer firefighter or
3-65 emergency medical services personnel as defined by Section [773.003](#),
3-66 Health and Safety Code.

3-67 SECTION 4. Section [25.025](#)(a), Tax Code, as amended by
3-68 Chapters 467 (H.B. 4170), 469 (H.B. 4173), 633 (S.B. 1494), 1213
3-69 (S.B. 662), and 1245 (H.B. 2446), Acts of the 86th Legislature,

4-1 Regular Session, 2019, is reenacted and amended to read as follows:

4-2 (a) This section applies only to:

4-3 (1) a current or former peace officer as defined by
4-4 Article 2.12, Code of Criminal Procedure, and the spouse or
4-5 surviving spouse of the peace officer;

4-6 (2) the adult child of a current peace officer as
4-7 defined by Article 2.12, Code of Criminal Procedure;

4-8 (3) a current or honorably retired county jailer as
4-9 defined by Section 1701.001, Occupations Code;

4-10 (4) an employee of the Texas Department of Criminal
4-11 Justice;

4-12 (5) a commissioned security officer as defined by
4-13 Section 1702.002, Occupations Code;

4-14 (6) an individual who shows that the individual, the
4-15 individual's child, or another person in the individual's household
4-16 is a victim of family violence as defined by Section 71.004, Family
4-17 Code, by providing:

4-18 (A) a copy of a protective order issued under
4-19 Chapter 85, Family Code, or a magistrate's order for emergency
4-20 protection issued under Article 17.292, Code of Criminal Procedure;
4-21 or

4-22 (B) other independent documentary evidence
4-23 necessary to show that the individual, the individual's child, or
4-24 another person in the individual's household is a victim of family
4-25 violence;

4-26 (7) an individual who shows that the individual, the
4-27 individual's child, or another person in the individual's household
4-28 is a victim of sexual assault or abuse, stalking, or trafficking of
4-29 persons by providing:

4-30 (A) a copy of a protective order issued under
4-31 Subchapter A or B, Chapter 7B, Code of Criminal Procedure, or a
4-32 magistrate's order for emergency protection issued under Article
4-33 17.292, Code of Criminal Procedure; or

4-34 (B) other independent documentary evidence
4-35 necessary to show that the individual, the individual's child, or
4-36 another person in the individual's household is a victim of sexual
4-37 assault or abuse, stalking, or trafficking of persons;

4-38 (8) a participant in the address confidentiality
4-39 program administered by the attorney general under Subchapter B,
4-40 Chapter 58, Code of Criminal Procedure, who provides proof of
4-41 certification under Article 58.059, Code of Criminal Procedure;

4-42 (9) a federal judge, a state judge, or the spouse of a
4-43 federal judge or state judge;

4-44 (10) a current or former district attorney, criminal
4-45 district attorney, or county or municipal attorney whose
4-46 jurisdiction includes any criminal law or child protective services
4-47 matters;

4-48 (11) a current or former employee of a district
4-49 attorney, criminal district attorney, or county or municipal
4-50 attorney whose jurisdiction includes any criminal law or child
4-51 protective services matters;

4-52 (12) an officer or employee of a community supervision
4-53 and corrections department established under Chapter 76,
4-54 Government Code, who performs a duty described by Section 76.004(b)
4-55 of that code;

4-56 (13) a criminal investigator of the United States as
4-57 described by Article 2.122(a), Code of Criminal Procedure;

4-58 (14) a current or honorably retired police officer or
4-59 inspector of the United States Federal Protective Service;

4-60 (15) a current or former United States attorney or
4-61 assistant United States attorney and the spouse and child of the
4-62 attorney;

4-63 (16) a current or former employee of the office of the
4-64 attorney general who is or was assigned to a division of that office
4-65 the duties of which involve law enforcement;

4-66 (17) a medical examiner or person who performs
4-67 forensic analysis or testing who is employed by this state or one or
4-68 more political subdivisions of this state;

4-69 (18) a current or former member of the United States

5-1 armed forces who has served in an area that the president of the
 5-2 United States by executive order designates for purposes of 26
 5-3 U.S.C. Section 112 as an area in which armed forces of the United
 5-4 States are or have engaged in combat;

5-5 (19) a current or former employee of the Texas
 5-6 Juvenile Justice Department or of the predecessors in function of
 5-7 the department;

5-8 (20) a current or former juvenile probation or
 5-9 supervision officer certified by the Texas Juvenile Justice
 5-10 Department, or the predecessors in function of the department,
 5-11 under Title 12, Human Resources Code;

5-12 (21) a current or former employee of a juvenile
 5-13 justice program or facility, as those terms are defined by Section
 5-14 261.405, Family Code;

5-15 (22) a current or former employee of the Texas Civil
 5-16 Commitment Office or the predecessor in function of the office or a
 5-17 division of the office; ~~and~~

5-18 (23) a current or former employee of a federal judge or
 5-19 state judge;

5-20 (24) a current or former child protective services
 5-21 caseworker, adult protective services caseworker, or investigator
 5-22 for the Department of Family and Protective Services or a current or
 5-23 former employee of a department contractor performing child
 5-24 protective services caseworker, adult protective services
 5-25 caseworker, or investigator functions for the contractor on behalf
 5-26 of the department; ~~and~~

5-27 (25) ~~(24)~~ a state officer elected statewide or a
 5-28 member of the legislature; and

5-29 (26) ~~(24)~~ a firefighter or volunteer firefighter or
 5-30 emergency medical services personnel as defined by Section 773.003,
 5-31 Health and Safety Code.

5-32 SECTION 5. Section 25.025(a-1), Tax Code, is amended by
 5-33 adding Subdivision (1-a) to read as follows:

5-34 (1-a) "Honorably retired" means, with respect to a
 5-35 position, an individual who:

5-36 (A) previously served but is not currently
 5-37 serving in the position;

5-38 (B) did not retire in lieu of any disciplinary
 5-39 action;

5-40 (C) was eligible to retire from the position or
 5-41 was ineligible to retire only as a result of an injury received in
 5-42 the course of the individual's employment in the position; and

5-43 (D) is eligible to receive a pension or annuity
 5-44 for service in the position or is ineligible to receive a pension or
 5-45 annuity only because the entity that employed the individual does
 5-46 not offer a pension or annuity to its employees.

5-47 SECTION 6. The changes in law made by this Act to Sections
 5-48 552.117 and 552.1175, Government Code, and Section 25.025, Tax
 5-49 Code, apply only to a request for information that is received by a
 5-50 governmental body or an officer on or after the effective date of
 5-51 this Act. A request for information that was received before the
 5-52 effective date of this Act is governed by the law in effect on the
 5-53 date the request was received, and the former law is continued in
 5-54 effect for that purpose.

5-55 SECTION 7. To the extent of any conflict, this Act prevails
 5-56 over another Act of the 87th Legislature, Regular Session, 2021,
 5-57 relating to nonsubstantive additions to and corrections in enacted
 5-58 codes.

5-59 SECTION 8. This Act takes effect immediately if it receives
 5-60 a vote of two-thirds of all the members elected to each house, as
 5-61 provided by Section 39, Article III, Texas Constitution. If this
 5-62 Act does not receive the vote necessary for immediate effect, this
 5-63 Act takes effect September 1, 2021.

5-64 * * * * *