

By: Campbell

S.B. No. 1678

A BILL TO BE ENTITLED

AN ACT

relating to the prohibited release by a public agency of information regarding the members, supporters, or volunteers of or donors to certain nonprofit organizations; creating a criminal offense.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subtitle Z, Title 10, Government Code, is amended by adding Chapter 3001 to read as follows:

CHAPTER 3001. GOVERNMENTAL ACTION RELATED TO DONOR INFORMATION

Sec. 3001.001. DEFINITIONS. In this chapter:

(1) "Donor information" means a list, record, registry, roster, or other compilation of any data that directly or indirectly identifies a person as a member, supporter, or volunteer of, or a donor of financial or nonfinancial support to, an entity exempt from federal income tax under Section 501(a), Internal Revenue Code of 1986, by being listed as an exempt organization under Section 501(c)(3), (4), or (6), Internal Revenue Code of 1986.

(2) "Public agency" means a state or local governmental unit, including:

(A) this state or a department, agency, office, commission, board, division, or other entity of this state in the executive branch of state government;

(B) any state or local court or other judicial or

1 quasi-judicial body in the judicial branch of state government; or
2 (C) a political subdivision of this state,
3 including a county, municipality, school district, community
4 college district, or any other local governmental unit, agency,
5 authority, council, board, or commission.

6 Sec. 3001.002. PROTECTED DONOR INFORMATION. (a)

7 Notwithstanding any other law except Section 3001.003, a public
8 agency or an officer or employee of a public agency may not:

9 (1) require an individual to provide donor information
10 to the agency or otherwise compel the release of donor information;

11 (2) require an entity exempt from federal income tax
12 under Section 501(a), Internal Revenue Code of 1986, by being
13 listed as an exempt organization under Section 501(c), Internal
14 Revenue Code of 1986, to provide donor information to the agency or
15 otherwise compel the release of donor information;

16 (3) release, publicize, or otherwise publicly
17 disclose donor information in the agency's possession; or

18 (4) request or require a current or prospective
19 contractor with or grantee of the agency to provide to the agency a
20 list of organizations exempt from federal income tax under Section
21 501(a), Internal Revenue Code of 1986, by being listed as exempt
22 organizations under Section 501(c), Internal Revenue Code of 1986,
23 to which the contractor or grantee has provided financial or
24 nonfinancial support.

25 (b) Donor information is excepted from release under
26 Chapter 552.

27 Sec. 3001.003. EXCEPTIONS. Section 3001.002 does not apply

1 to:

2 (1) donor information included in a report required to
3 be filed under state law by a candidate for public office, a public
4 official, or a person required to register as a lobbyist under
5 Chapter 305;

6 (2) a warrant for donor information issued by a court
7 of competent jurisdiction in this state;

8 (3) a request for discovery of donor information in an
9 action brought in a court of competent jurisdiction in this state if
10 the requestor:

11 (A) demonstrates by clear and convincing
12 evidence a compelling need for the information; and

13 (B) obtains a protective order barring release of
14 the information to any person not directly involved in the action;

15 (4) donor information admitted as relevant evidence in
16 an action before a court of competent jurisdiction provided the
17 court does not publicly release the information unless the court
18 specifically finds good cause for the release; and

19 (5) any donor information contained in a document or
20 instrument recorded or maintained by the secretary of state.

21 Sec. 3001.004. CIVIL ACTION. A person alleging a violation
22 of Section 3001.002 may bring a civil action to obtain appropriate:

23 (1) injunctive relief;

24 (2) damages incurred by the person in an amount equal

25 to:

26 (A) not less than \$2,500 as compensatory damages
27 for injury or loss caused by each violation; or

1 (B) a sum not to exceed three times the amount
2 described in Paragraph (A) for each intentional violation; and

3 (3) court costs, including reasonable attorney's and
4 witness fees.

5 Sec. 3001.005. IMMUNITY WAIVED. A person who alleges a
6 violation of Section 3001.002 may sue the public agency for the
7 relief provided under Section 3001.004. Sovereign or governmental
8 immunity, as applicable, is waived and abolished to the extent of
9 liability for that relief.

10 Sec. 3001.006. CRIMINAL PENALTY. A person commits an
11 offense if the person violates Section 3001.002. An offense under
12 this section is a Class B misdemeanor.

13 SECTION 2. Chapter 3001, Government Code, as added by this
14 Act, applies only to donor information released or disclosed on or
15 after the effective date of this Act.

16 SECTION 3. This Act takes effect September 1, 2021.