

1-1 By: Campbell S.B. No. 1678  
1-2 (In the Senate - Filed March 11, 2021; March 24, 2021, read  
1-3 first time and referred to Committee on State Affairs;  
1-4 April 12, 2021, reported adversely, with favorable Committee  
1-5 Substitute by the following vote: Yeas 9, Nays 0; April 12, 2021,  
1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	Hughes	X		
1-10	Birdwell	X		
1-11	Campbell	X		
1-12	Hall	X		
1-13	Lucio	X		
1-14	Nelson	X		
1-15	Powell	X		
1-16	Schwertner	X		
1-17	Zaffirini	X		

1-18 COMMITTEE SUBSTITUTE FOR S.B. No. 1678 By: Birdwell

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

1-21 relating to the prohibited release by a public agency of  
1-22 information regarding the members, supporters, or volunteers of or  
1-23 donors to certain nonprofit organizations; creating a criminal  
1-24 offense.

1-25 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-26 SECTION 1. Subtitle Z, Title 10, Government Code, is  
1-27 amended by adding Chapter 3001 to read as follows:

1-28 CHAPTER 3001. GOVERNMENTAL ACTION RELATED TO DONOR INFORMATION

1-29 Sec. 3001.001. DEFINITIONS. In this chapter:

1-30 (1) "Donor information" means a list, record,  
1-31 registry, roster, or other compilation of any data that directly or  
1-32 indirectly identifies a person as a member, supporter, or volunteer  
1-33 of, or a donor of financial or nonfinancial support to, an entity  
1-34 exempt from federal income tax under Section 501(a), Internal  
1-35 Revenue Code of 1986, by being listed as an exempt organization  
1-36 under Section 501(c)(3), (4), or (6), Internal Revenue Code of  
1-37 1986.

1-38 (2) "Public agency" means a state or local  
1-39 governmental unit, including:

1-40 (A) this state or a department, agency, office,  
1-41 commission, board, division, or other entity of this state in the  
1-42 executive branch of state government;

1-43 (B) any state or local court or other judicial or  
1-44 quasi-judicial body in the judicial branch of state government; or

1-45 (C) a political subdivision of this state,  
1-46 including a county, municipality, school district, community  
1-47 college district, or any other local governmental unit, agency,  
1-48 authority, council, board, or commission.

1-49 Sec. 3001.002. PROTECTED DONOR INFORMATION. (a)  
1-50 Notwithstanding any other law except Section 3001.003, a public  
1-51 agency or an officer or employee of a public agency may not:

1-52 (1) require an individual to provide donor information  
1-53 to the agency or otherwise compel the release of donor information;

1-54 (2) require an entity exempt from federal income tax  
1-55 under Section 501(a), Internal Revenue Code of 1986, by being  
1-56 listed as an exempt organization under Section 501(c), Internal  
1-57 Revenue Code of 1986, to provide donor information to the agency or  
1-58 otherwise compel the release of donor information;

1-59 (3) release, publicize, or otherwise publicly  
1-60 disclose donor information in the agency's possession; or

2-1 (4) request or require a current or prospective  
2-2 contractor with or grantee of the agency to provide to the agency a  
2-3 list of organizations exempt from federal income tax under Section  
2-4 501(a), Internal Revenue Code of 1986, by being listed as exempt  
2-5 organizations under Section 501(c), Internal Revenue Code of 1986,  
2-6 to which the contractor or grantee has provided financial or  
2-7 nonfinancial support.

2-8 (b) Donor information is excepted from release under  
2-9 Chapter 552.

2-10 Sec. 3001.003. EXCEPTIONS. Section 3001.002 does not apply  
2-11 to:

2-12 (1) donor information included in a report required to  
2-13 be filed under state law by a candidate for public office, a public  
2-14 official, or a person required to register as a lobbyist under  
2-15 Chapter 305;

2-16 (2) a warrant for donor information issued by a court  
2-17 of competent jurisdiction in this state;

2-18 (3) a request for discovery of donor information in an  
2-19 action brought in a court of competent jurisdiction in this state if  
2-20 the requestor:

2-21 (A) demonstrates by clear and convincing  
2-22 evidence a compelling need for the information; and

2-23 (B) obtains a protective order barring release of  
2-24 the information to any person not directly involved in the action;

2-25 (4) donor information admitted as relevant evidence in  
2-26 an action before a court of competent jurisdiction provided the  
2-27 court does not publicly release the information unless the court  
2-28 specifically finds good cause for the release; and

2-29 (5) any donor information contained in a document or  
2-30 instrument recorded or maintained by the secretary of state.

2-31 Sec. 3001.004. CIVIL ACTION. A person alleging a violation  
2-32 of Section 3001.002 may bring a civil action to obtain appropriate:

2-33 (1) injunctive relief;

2-34 (2) damages incurred by the person in an amount equal  
2-35 to:

2-36 (A) not less than \$2,500 as compensatory damages  
2-37 for injury or loss caused by each violation; or

2-38 (B) a sum not to exceed three times the amount  
2-39 described in Paragraph (A) for each intentional violation; and

2-40 (3) court costs, including reasonable attorney's and  
2-41 witness fees.

2-42 Sec. 3001.005. IMMUNITY WAIVED. A person who alleges a  
2-43 violation of Section 3001.002 may sue the public agency for the  
2-44 relief provided under Section 3001.004. Sovereign or governmental  
2-45 immunity, as applicable, is waived and abolished to the extent of  
2-46 liability for that relief.

2-47 Sec. 3001.006. CRIMINAL PENALTY. A person commits an  
2-48 offense if the person violates Section 3001.002. An offense under  
2-49 this section is a Class B misdemeanor.

2-50 SECTION 2. Chapter 3001, Government Code, as added by this  
2-51 Act, applies only to donor information released or disclosed on or  
2-52 after the effective date of this Act.

2-53 SECTION 3. This Act takes effect September 1, 2021.

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