

BILL ANALYSIS

H.B. 2174
By: Heflin
State Affairs
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Section 552.008 of the Government Code allows a legislator, legislative agency, or legislative committee to gain access to confidential information from a governmental body, provided that the requestor states that the information is requested for legislative purposes. A governmental body may request that the legislator sign a confidentiality agreement on the information received.

Although Section 552.352 of the Government Code provides penalties for the distribution of confidential information, there is no provision in current law relating to the consequences of misuse of such information. The purpose of House Bill 2174 is to provide a penalty for unauthorized disclosure or inspection, or other misuse, of confidential information.

RULEMAKING AUTHORITY

It is the opinion of the committee that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

House Bill 2174 amends Chapter 552, Government Code, by adding Section 552.0085 to provide that a person with legal access to confidential information under Section 552.008, Government Code, or another law that permits such person's access to such confidential information, commits an offense if the person knowingly:

- permits inspection of the confidential information by a person not authorized to inspect the information,
- discloses confidential information to a person not authorized to receive the information, or
- uses the confidential information for a purpose other than the purpose for which it was received or for a purpose unrelated to the person's legal access to the information.

The bill provides that an offense under the provisions of the bill is a Class A misdemeanor, and also provides that the violation constitutes official misconduct.

EFFECTIVE DATE

September 1, 2003.

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