

By: Allen, King, Flores, Geren, Baxter

H.B. No. 1191

Substitute the following for H.B. No. 1191:

By: Elkins

C.S.H.B. No. 1191

A BILL TO BE ENTITLED

AN ACT

relating to the confidentiality of certain sensitive information.

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

SECTION 1. Subchapter H, Chapter 418, Government Code, is amended by adding Sections 418.176-418.180 to read as follows:

Sec. 418.176. CONFIDENTIALITY OF CERTAIN INFORMATION RELATING TO EMERGENCY RESPONSE PROVIDERS. Information is confidential if the information is collected, assembled, or maintained by or for a governmental entity for the purpose of preventing, detecting, or investigating an act of terrorism or related criminal activity and:

(1) relates to the staffing requirements of an emergency response provider, including a law enforcement agency, a fire-fighting agency, or an emergency services agency;

(2) relates to a tactical plan of the provider; or

(3) consists of a list or compilation of pager or telephone numbers, including mobile and cellular telephone numbers, of the provider.

Sec. 418.177. CONFIDENTIALITY OF CERTAIN INFORMATION RELATING TO RISK OR VULNERABILITY ASSESSMENT. Information is confidential if the information:

(1) is collected, assembled, or maintained by or for a governmental entity for the purpose of preventing, detecting, or investigating an act of terrorism or related criminal activity; and

1           (2) relates to an assessment by or for a governmental  
2 entity, or an assessment that is maintained by a governmental  
3 entity, of the risk or vulnerability of persons or property,  
4 including critical infrastructure, to an act of terrorism or  
5 related criminal activity.

6           Sec. 418.178. CONFIDENTIALITY OF CERTAIN INFORMATION  
7 RELATING TO CONSTRUCTION OR ASSEMBLY OF WEAPONS. (a) In this  
8 section, "explosive weapon" has the meaning assigned by Section  
9 46.01, Penal Code.

10           (b) Information is confidential if it is information  
11 collected, assembled, or maintained by or for a governmental entity  
12 and:

13           (1) is more than likely to assist in the construction  
14 or assembly of an explosive weapon or a chemical, biological,  
15 radiological, or nuclear weapon of mass destruction; or

16           (2) indicates the specific location of a chemical,  
17 biological agent, toxin, or radioactive material that is more than  
18 likely to be used in the construction or assembly of such a weapon.

19           Sec. 418.179. CONFIDENTIALITY OF CERTAIN ENCRYPTION CODES  
20 AND SECURITY KEYS FOR COMMUNICATIONS SYSTEM. Information is  
21 confidential if the information:

22           (1) is collected, assembled, or maintained by or for a  
23 governmental entity for the purpose of preventing, detecting, or  
24 investigating an act of terrorism or related criminal activity; and

25           (2) relates to the details of the encryption codes or  
26 security keys for a public communications system.

27           Sec. 418.180. DISCLOSURE OF CERTAIN CONFIDENTIAL

1 INFORMATION. (a) This section applies only to information that is  
2 confidential under Sections 418.176-418.179.

3 (b) At any time during a state of disaster, the executive or  
4 administrative head of the governmental entity may voluntarily  
5 disclose or otherwise make available all or part of the  
6 confidential information to another person or other entity if the  
7 executive or administrative head believes that the other person or  
8 entity has a legitimate need for the information.

9 (c) The disclosure or making available of confidential  
10 information under Subsection (b) does not waive or affect the  
11 confidentiality of the information.

12 SECTION 2. This Act takes effect immediately if it receives  
13 a vote of two-thirds of all the members elected to each house, as  
14 provided by Section 39, Article III, Texas Constitution. If this  
15 Act does not receive the vote necessary for immediate effect, this  
16 Act takes effect September 1, 2003.