By: Marchant H.B. No. 2040

A BILL TO BE ENTITLED

1	AN ACT
2	relating to authorizing certain state agencies to share information
3	for investigative purposes.
4	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
5	SECTION 1. Chapter 555, Government Code, is amended by
6	adding Subchapter C to read as follows:
7	SUBCHAPTER C. SHARING CONFIDENTIAL INFORMATION
8	Sec. 555.051. INFORMATION SHARING AMONG CERTAIN AGENCIES.
9	(a) This section applies only to information held by or for the
10	office of the attorney general, the Texas Department of Insurance,
11	the Texas State Board of Public Accountancy, the Public Utility
12	Commission of Texas, or the State Securities Board that relates to a
13	person who is licensed or otherwise regulated by any of those state
14	agencies.
15	(b) Each of the agencies listed in Subsection (a), or
16	request or on its own initiative, may share confidential

- 15 (b) Each of the agencies listed in Subsection (a), on
 16 request or on its own initiative, may share confidential
 17 information or information to which access is otherwise restricted
 18 by law with one or more of the other agencies listed in Subsection
 19 (a) for investigative purposes. Except as provided by this
 20 section, confidential information that is shared under this section
 21 remains confidential under law and legal restrictions on access to
 22 the information remain in effect.
- 23 <u>(c) A state agency that receives shared information under</u> 24 this section:

1	(1) shall keep the information secure and limit access
2	to the information within the agency to agency personnel who need
3	access for investigative purposes; and
4	(2) may disclose the information only:
5	(A) to another agency listed in Subsection (a) in
6	accordance with this section;
7	(B) to the extent necessary to bring or prosecute
8	a contested case or court action to restrain or prevent a violation
9	of law or to impose sanctions or penalties in connection with a
10	<u>violation of law;</u>
11	(C) to an appropriate law enforcement agency or
12	prosecutor if the state agency determines that the information may
13	be evidence of an offense or evidence that a particular person
14	<pre>committed an offense; or</pre>
15	(D) under a court order or subpoena obtained
16	after a showing to a court that disclosure of the information is
17	necessary to protect the public health, safety, or welfare.
18	SECTION 2. The heading to Chapter 555, Government Code, is
19	amended to read as follows:
20	CHAPTER 555. STATE AGENCY RECORDS RELATING TO LICENSE HOLDERS OR
21	OTHER REGULATED PERSONS
22	SECTION 3. This Act takes effect immediately if it receives
23	a vote of two-thirds of all the members elected to each house, as
24	provided by Section 39, Article III, Texas Constitution. If this
25	Act does not receive the vote necessary for immediate effect, this
26	Act takes effect September 1, 2003.