

By: Ritter

H.B. No. 1309

A BILL TO BE ENTITLED

AN ACT

relating to certain identifying information contained in the case file maintained by a county clerk for a decedent's estate.

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

SECTION 1. Section 15, Texas Probate Code, is amended to read as follows:

Sec. 15. CASE FILES. (a) The county clerk shall maintain a case file for each decedent's estate in which a probate proceeding has been filed. The case file must contain all orders, judgments, and proceedings of the court and any other probate filing with the court, including all:

(1) applications for the probate of wills and for the granting of administration;

(2) citations and notices, whether published or posted, with the returns thereon;

(3) wills and the testimony upon which the same are admitted to probate, provided that the substance only of depositions shall be recorded;

(4) bonds and official oaths;

(5) inventories, appraisements, and lists of claims;

(6) exhibits and accounts;

(7) reports of hiring, renting, or sale;

(8) applications for sale or partition of real estate and reports of sale and of commissioners of partition;

1           (9) applications for authority to execute leases for  
2 mineral development, or for pooling or unitization of lands,  
3 royalty, or other interest in minerals, or to lend or invest money;  
4 and

5           (10) reports of lending or investing money.

6           (b) The county clerk may not post the following information  
7 contained in a decedent's case file on the Internet:

8           (1) the residential address and phone number of the  
9 decedent at the time of the decedent's death;

10           (2) the residential address of the decedent's personal  
11 representative or a distributee of the decedent's estate;

12           (3) a phone number of the decedent's personal  
13 representative or a distributee of the decedent's estate;

14           (4) a social security number; or

15           (5) identifying financial information.

16           (c) In this section, "identifying financial information"  
17 means information that alone or in conjunction with other  
18 information can be used to access an account at a financial  
19 institution or to access other information regarding an  
20 individual's assets, liabilities, or credit, including:

21           (1) an account number;

22           (2) a code word or password;

23           (3) a tax identification number;

24           (4) a driver's license or state identification card  
25 number, issued by the Department of Public Safety of the State of  
26 Texas or a permit number issued by a state regulatory agency; or

27           (5) any other information held for the purpose of

1 account access or transaction initiation.

2 SECTION 2. This Act takes effect September 1, 2005.