

BILL ANALYSIS

H.B. 1042
By: Pena
Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Currently, a victim must make an election on their Crime Victims= Compensation application to have their personal information protected from release under the Public Information Act, and that election must be made within three years of filing the application. A claimant is not able to elect to have their information excepted from disclosure, and the claimant=s personal information is not protected unless such information tends to identify a victim who has made a timely election of confidentiality. This bill makes the victim=s or claimant=s names, social security numbers, addresses, telephone numbers, and other identifying information confidential by law.

RULEMAKING AUTHORITY

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

ANALYSIS

H.B. 1042 amends Section 552.132, Government Code, by removing the option to elect to keep certain information of a crime victim confidential, and instead, makes any identifying information of a crime victim or claimant confidential by law. H.B. 1042 adds the word "claimant" in addition to crime victim to whom confidentiality of identifying information applies. The word "claimant" is also added to whom, if awarded compensation, disclosure of the date of the award of compensation, the name of the crime victim or claimant, and the amount of compensation awarded applies. The bill removes Acrime@before Avictim@ to align the term with the definition in Subchapter B, Chapter 56, Code of Criminal Procedure. If a governmental employee who is also a crime victim fails to make an election of disclosure, the information will remain confidential until the third anniversary of the date the crime was committed.

EFFECTIVE DATE

September 1, 2007.