

AN ACT

relating to the confidentiality of home address information of certain public officials and their spouses and to the immunity from liability of certain agencies.

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

SECTION 1. Subchapter A, Chapter 13, Election Code, is amended by adding Section 13.0021 to read as follows:

Sec. 13.0021. ADDITIONAL REGISTRATION INFORMATION FROM CERTAIN FEDERAL AND STATE JUDGES. (a) In this section:

(1) "Federal judge" means:

(A) a judge, former judge, or retired judge of a United States court of appeals;

(B) a judge, former judge, or retired judge of a United States district court;

(C) a judge, former judge, or retired judge of a United States bankruptcy court; or

(D) a magistrate judge, former magistrate judge, or retired magistrate judge of a United States district court.

(2) "State judge" means:

(A) a judge, former judge, or retired judge of an appellate court, a district court, or a county court at law of this state; or

(B) an associate judge appointed under Chapter 201, Family Code, or a retired associate judge or former associate

1 judge appointed under that chapter.

2 (b) If the registration applicant is a federal judge or  
3 state judge who seeks to have the applicant's residence address  
4 omitted from the registration list, the applicant shall include  
5 with the application an affidavit stating that the applicant is a  
6 federal judge or state judge.

7 SECTION 2. Section 13.004, Election Code, is amended by  
8 amending Subsections (c) and (d) and adding Subsection (c-1) to  
9 read as follows:

10 (c) The following information furnished on a registration  
11 application is confidential and does not constitute public  
12 information for purposes of Chapter 552, Government Code:

13 (1) a [A] social security number;

14 (2) a [7] Texas driver's license number;

15 (3) a [7] number of a personal identification card  
16 issued by the Department of Public Safety;

17 (4) [~~7~~] an indication that an applicant is  
18 interested in working as an election judge; or

19 (5) the residence address of the applicant, if the  
20 applicant is a federal judge or state judge, as defined by Section  
21 13.0021, and included an affidavit with the registration  
22 application under Section 13.0021 or the registrar has received an  
23 affidavit submitted under Section 15.0215 [~~furnished on a~~  
24 registration application is confidential and does not constitute  
25 public information for purposes of Chapter 552, Government Code].

26 (c-1) The registrar shall ensure that the information  
27 listed in Subsection (c) [~~a social security number, Texas driver's~~

1 ~~license number, number of a personal identification card issued by~~  
2 ~~the Department of Public Safety, or an indication that an applicant~~  
3 ~~is interested in working as an election judge]~~ is excluded from  
4 disclosure.

5 (d) The voter registrar or other county official who has  
6 access to the information furnished on a registration application  
7 may not post the following information on a website:

8 (1) a telephone number;

9 (2) a social security number;

10 (3) a driver's license number or a number of a personal  
11 identification card; ~~or~~

12 (4) a date of birth; or

13 (5) the residence address of a voter who is a federal  
14 judge or state judge, as defined by Section 13.0021, if the voter  
15 included an affidavit with the application under Section 13.0021 or  
16 the registrar has received an affidavit submitted under Section  
17 15.0215.

18 SECTION 3. Subchapter B, Chapter 15, Election Code, is  
19 amended by adding Section 15.0215 to read as follows:

20 Sec. 15.0215. NOTICE OF FEDERAL JUDGE OR STATE JUDGE  
21 STATUS. (a) In this section, "federal judge" and "state judge"  
22 have the meanings assigned by Section 13.0021.

23 (b) A federal judge or state judge who is registered to vote  
24 may at any time submit to the registrar of the county in which the  
25 judge resides an affidavit stating that the voter is a federal judge  
26 or state judge.

27 SECTION 4. Section 15.081, Election Code, is amended by

1 adding Subsection (d) to read as follows:

2 (d) Notwithstanding Subsection (b), the suspense list may  
3 not contain the residence address of a voter who is a federal judge  
4 or state judge if the voter included an affidavit with the voter's  
5 registration application under Section 13.0021 or the registrar  
6 received an affidavit submitted under Section 15.0215 before the  
7 list was prepared. In this subsection, "federal judge" and "state  
8 judge" have the meanings assigned by Section 13.0021.

9 SECTION 5. Section 18.005, Election Code, is amended by  
10 amending Subsection (a) and adding Subsection (c) to read as  
11 follows:

12 (a) Each original and supplemental list of registered  
13 voters must:

14 (1) contain the voter's name, [~~residence address,~~]  
15 date of birth, and registration number as provided by the statewide  
16 computerized voter registration list;

17 (2) contain the voter's residence address, except as  
18 provided by Subsections (b) and (c);

19 (3) be arranged alphabetically by voter name; and

20 (4) [~~(3)~~] contain the notation required by Section  
21 15.111[~~, and~~

22 [~~(4) until Section 13.122(d) expires, identify each~~  
23 ~~voter registered by mail for the first time who failed to provide a~~  
24 ~~copy of a document described by Section 63.0101 establishing the~~  
25 ~~voter's identity at the time of registration].~~

26 (c) The original or supplemental list of registered voters  
27 may not contain the residence address of a voter who is a federal

1 judge or state judge if the voter included an affidavit with the  
2 voter's registration application under Section 13.0021 or the  
3 registrar received an affidavit submitted under Section 15.0215  
4 before the list was prepared. In this subsection, "federal judge"  
5 and "state judge" have the meanings assigned by Section 13.0021.

6 SECTION 6. Section 18.066(b), Election Code, is amended to  
7 read as follows:

8 (b) Information furnished under this section may not  
9 include:

- 10 (1) a voter's social security number; or  
11 (2) the residence address of a voter who is a federal  
12 judge or state judge, as defined by Section 13.0021, if the voter  
13 included an affidavit with the voter's registration application  
14 under Section 13.0021 or the applicable registrar has received an  
15 affidavit submitted under Section 15.0215.

16 SECTION 7. Section 63.0011(a), Election Code, is amended to  
17 read as follows:

18 (a) Before a voter may be accepted for voting, an election  
19 officer shall ask the voter if the voter's residence address on the  
20 precinct list of registered voters is current and whether the voter  
21 has changed residence within the county. If the voter's address is  
22 omitted from the precinct list under Section 18.005(c), the officer  
23 shall ask the voter if the voter's residence as listed on the  
24 voter's voter registration certificate is current and whether the  
25 voter has changed residence within the county.

26 SECTION 8. Section 411.171, Government Code, is amended by  
27 adding Subdivisions (4-a) and (4-b) to read as follows:

1           (4-a) "Federal judge" means:

2                   (A) a judge of a United States court of appeals;

3                   (B) a judge of a United States district court;

4                   (C) a judge of a United States bankruptcy court;

5 or

6                   (D) a magistrate judge of a United States  
7 district court.

8           (4-b) "State judge" means:

9                   (A) the judge of an appellate court, a district  
10 court, or a county court at law of this state; or

11                   (B) an associate judge appointed under Chapter  
12 201, Family Code.

13           SECTION 9. Section 411.179, Government Code, is amended by  
14 amending Subsection (a) and adding Subsection (c) to read as  
15 follows:

16           (a) The department by rule shall adopt the form of the  
17 license. A license must include:

18                   (1) a number assigned to the license holder by the  
19 department;

20                   (2) a statement of the period for which the license is  
21 effective;

22                   (3) a statement of the category or categories of  
23 handguns the license holder may carry as provided by Subsection  
24 (b);

25                   (4) a color photograph of the license holder; ~~and~~

26                   (5) the license holder's full name, date of birth,  
27 ~~[residence address,]~~ hair and eye color, height, weight, and

1 signature;

2 (6) the license holder's residence address or, as  
3 provided by Subsection (c), the street address of the courthouse in  
4 which the license holder or license holder's spouse serves as a  
5 federal judge or the license holder serves as a state judge;[7] and

6 (7) the number of a driver's license or an  
7 identification certificate issued to the license holder by the  
8 department.

9 (c) In adopting the form of the license under Subsection  
10 (a), the department shall establish a procedure for the license of a  
11 federal judge, a state judge, or the spouse of a federal judge or  
12 state judge to omit the license holder's residence address and to  
13 include, in lieu of that address, the street address of the  
14 courthouse in which the license holder or license holder's spouse  
15 serves as a federal judge or state judge. In establishing the  
16 procedure, the department shall require sufficient documentary  
17 evidence to establish the license holder's status as a federal  
18 judge, a state judge, or the spouse of a federal judge or state  
19 judge.

20 SECTION 10. Sections 411.181(a) and (b), Government Code,  
21 are amended to read as follows:

22 (a) If a person who is a current license holder moves to a  
23 new residence [from the] address, [stated on the license or] if the  
24 name of the person is changed by marriage or otherwise, or if the  
25 person's status as a federal judge, a state judge, or the spouse of  
26 a federal judge or state judge, becomes inapplicable, the person  
27 shall, not later than the 30th day after the date of the address,

1 ~~[or]~~ name, or status change, notify the department and provide the  
2 department with the number of the person's license and, as  
3 applicable, the person's:

- 4 (1) former and new addresses; or  
5 (2) former and new names.

6 (b) If the name of the license holder is changed by marriage  
7 or otherwise, or if the person's status as a federal judge or state  
8 judge, or the spouse of a federal judge or state judge becomes  
9 inapplicable, the person shall apply for a duplicate license. The  
10 duplicate license must include the person's current residence  
11 address.

12 SECTION 11. Section 25.025, Tax Code, is amended by  
13 amending Subsection (a) and adding Subsection (a-1) to read as  
14 follows:

15 (a) This section applies only to:

- 16 (1) a peace officer as defined by Article 2.12, Code of  
17 Criminal Procedure;  
18 (2) a county jailer as defined by Section 1701.001,  
19 Occupations Code;  
20 (3) an employee of the Texas Department of Criminal  
21 Justice;  
22 (4) a commissioned security officer as defined by  
23 Section 1702.002, Occupations Code; ~~and~~  
24 (5) a victim of family violence as defined by Section  
25 71.004, Family Code, if as a result of the act of family violence  
26 against the victim, the actor is convicted of a felony or a Class A  
27 misdemeanor; and



1           (6) a federal judge or state judge.

2           (a-1) In this section:

3           (1) "Federal judge" means:

4           (A) a judge, former judge, or retired judge of a  
5 United States court of appeals;

6           (B) a judge, former judge, or retired judge of a  
7 United States district court;

8           (C) a judge, former judge, or retired judge of a  
9 United States bankruptcy court; or

10           (D) a magistrate judge, former magistrate judge,  
11 or retired magistrate judge of a United States district court.

12           (2) "State judge" means:

13           (A) a judge, former judge, or retired judge of an  
14 appellate court, a district court, or a county court at law of this  
15 state; or

16           (B) an associate judge appointed under Chapter  
17 201, Family Code, or a retired associate judge or former associate  
18 judge appointed under that chapter.

19           SECTION 12. Subchapter D, Chapter 161, Human Resources  
20 Code, is amended by adding Section 161.075 to read as follows:

21           Sec. 161.075. IMMUNITY FOR AREA AGENCIES ON AGING AND  
22 AGENCY EMPLOYEES AND VOLUNTEERS. (a) In this section:

23           (1) "Area agency on aging" means an agency described  
24 by 42 U.S.C. Section 3002(17) and through which the department  
25 ensures the implementation of services and volunteer opportunities  
26 for older persons in this state as provided by Section  
27 161.071(5)(A).

1           (2) "Texas nonprofit organization" means a nonprofit  
2 corporation:

3                   (A) that is organized under the Texas Non-Profit  
4 Corporation Act (Article 1396-1.01 et seq., Vernon's Texas Civil  
5 Statutes); and

6                   (B) the funding of which is managed by an  
7 organization that is exempt from federal income tax under Section  
8 501(a) of the Internal Revenue Code of 1986 by being listed as an  
9 exempt organization in Section 501(c)(3) of that code.

10           (3) "Volunteer" means a person who:

11                   (A) renders services for or on behalf of an area  
12 agency on aging under the supervision of an area agency on aging  
13 employee; and

14                   (B) does not receive compensation that exceeds  
15 the authorized expenses the person incurs in performing those  
16 services.

17           (b) An area agency on aging that conducts an election on  
18 behalf of a Texas nonprofit organization is not civilly or  
19 criminally liable for any act or omission, including an act or  
20 omission relating to verifying the qualifications of candidates and  
21 determining and reporting election results, that relates to a duty  
22 or responsibility with respect to conducting the election if the  
23 agency acted in good faith and within the scope of the agency's  
24 authority.

25           (c) An area agency on aging employee or volunteer who  
26 performs an act related to the conduct of an election described by  
27 Subsection (b) is not civilly or criminally liable for the act or

1 any omission that relates to a duty or responsibility with respect  
2 to conducting the election if the person acted in good faith and  
3 within the scope of the person's authority.

4 SECTION 13. The change in law made by this Act with respect  
5 to the civil liability of an area agency on aging or an employee or  
6 volunteer of the agency applies only to a cause of action that  
7 accrues on or after the effective date of this Act. A cause of  
8 action that accrued before the effective date of this Act is  
9 governed by the law as it existed immediately before the effective  
10 date of this Act, and that law is continued in effect for that  
11 purpose.

12 SECTION 14. The change in law made by this Act with respect  
13 to the criminal liability of an area agency on aging or an employee  
14 or volunteer of the agency applies only to an offense committed on  
15 or after the effective date of this Act. For purposes of this  
16 section, an offense is committed before the effective date of this  
17 Act if any element of the offense occurs before that date. An  
18 offense committed before the effective date of this Act is covered  
19 by the law in effect when the offense was committed, and the former  
20 law is continued in effect for that purpose.

21 SECTION 15. Section 161.075, Human Resources Code, as added  
22 by this Act, is an exercise of authority under Section 66(c),  
23 Article III, Texas Constitution, and takes effect only if this Act  
24 receives a vote of three-fifths of all the members elected to each  
25 house, as provided by Subsection (e) of that section.

26 SECTION 16. This Act takes effect September 1, 2007.

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President of the Senate

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Speaker of the House

I certify that H.B. No. 41 was passed by the House on April 13, 2007, by the following vote: Yeas 143, Nays 1, 2 present, not voting; and that the House concurred in Senate amendments to H.B. No. 41 on May 21, 2007, by the following vote: Yeas 143, Nays 0, 2 present, not voting.

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Chief Clerk of the House

I certify that H.B. No. 41 was passed by the Senate, with amendments, on May 17, 2007, by the following vote: Yeas 30, Nays 1.

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Secretary of the Senate

APPROVED: \_\_\_\_\_

Date

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Governor