

By: Pena

H.B. No. 1042

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to excepting certain crime victim information from  
3 required disclosure under the public information law.

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

5 SECTION 1. Section 552.132, Government Code, is amended to  
6 read as follows:

7 Sec. 552.132. CONFIDENTIALITY OF ~~[EXCEPTION.]~~ CRIME VICTIM  
8 OR CLAIMANT INFORMATION. (a) Except as provided by Subsection (d)  
9 ~~[(f)]~~, in this section, "crime victim or claimant" means a victim or  
10 claimant under Subchapter B, Chapter 56, Code of Criminal  
11 Procedure, who has filed an application for compensation under that  
12 subchapter.

13 (b) The following ~~[A crime victim may elect whether to allow~~  
14 ~~public access to]~~ information held by the crime victim's  
15 compensation division of the attorney general's office is  
16 confidential ~~[that relates to]:~~

17 (1) the name, social security number, address, or  
18 telephone number of a a ~~[the]~~ crime victim or claimant; or

19 (2) any other information the disclosure of which  
20 would identify or tend to identify the crime victim or claimant.

21 (c) ~~[An election under Subsection (b) must be:~~

22 ~~[(1) made in writing on a form developed by the~~  
23 ~~attorney general for that purpose and signed by the crime victim,~~  
24 ~~and~~

1           ~~[(2) filed with the crime victims' compensation~~  
2 ~~division before the third anniversary of the date that the crime~~  
3 ~~victim filed the application for compensation.~~

4           ~~[(d) If the crime victim elects not to allow public access~~  
5 ~~to the information, the information is excepted from the~~  
6 ~~requirements of Section 552.021. If the crime victim does not make~~  
7 ~~an election under Subsection (b) or (f) or elects to allow public~~  
8 ~~access to the information, the information is not excepted from the~~  
9 ~~requirements of Section 552.021 unless the information is made~~  
10 ~~confidential or excepted from those requirements by another law.~~

11           ~~[(e)]~~ If the crime victim or claimant is awarded  
12 compensation under Section 56.34, Code of Criminal Procedure, as of  
13 the date of the award of compensation, the name of the crime victim  
14 or claimant and the amount of compensation awarded to that crime  
15 victim or claimant are public information and are not excepted from  
16 the requirements of Section 552.021.

17           (d) ~~[(f)]~~ An employee of a governmental body who is also a  
18 ~~[crime]~~ victim under Subchapter B, Chapter 56, Code of Criminal  
19 Procedure, regardless of whether the employee has filed an  
20 application for compensation under that subchapter, may elect  
21 whether to allow public access to information held by the attorney  
22 general's office or other governmental body that would identify or  
23 tend to identify the ~~[crime]~~ victim, including a photograph or  
24 other visual representation of the victim. An election under this  
25 subsection must be made in writing on a form developed by the  
26 governmental body, be signed by the employee, and be filed with the  
27 governmental body before the third anniversary of the latest to

1 occur of one of the following:

2 (1) the date the crime was committed;

3 (2) the date employment begins; or

4 (3) the date the governmental body develops the form  
5 and provides it to employees.

6 (e) If the employee fails to make an election under  
7 Subsection (d), the identifying information is excepted from  
8 disclosure until the third anniversary of the date the crime was  
9 committed. In case of disability, impairment, or other incapacity  
10 of the employee, the election may be made by the guardian of the  
11 employee or former employee.

12 SECTION 2. This Act takes effect September 1, 2007.