

1-1 By: Pena, Leibowitz (Senate Sponsor - Hegar) H.B. No. 1042
1-2 (In the Senate - Received from the House March 22, 2007;
1-3 March 29, 2007, read first time and referred to Committee on
1-4 Criminal Justice; May 4, 2007, reported favorably by the following
1-5 vote: Yeas 5, Nays 0; May 4, 2007, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to excepting certain crime victim information from
1-9 required disclosure under the public information law.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Section 552.132, Government Code, is amended to
1-12 read as follows:

1-13 Sec. 552.132. CONFIDENTIALITY OF [EXCEPTION+] CRIME VICTIM
1-14 OR CLAIMANT INFORMATION. (a) Except as provided by Subsection (d)
1-15 [~~(f)~~], in this section, "crime victim or claimant" means a victim or
1-16 claimant under Subchapter B, Chapter 56, Code of Criminal
1-17 Procedure, who has filed an application for compensation under that
1-18 subchapter.

1-19 (b) The following [~~A crime victim may elect whether to allow~~
1-20 ~~public access to~~] information held by the crime victim's
1-21 compensation division of the attorney general's office is
1-22 confidential [~~that relates to~~]:

1-23 (1) the name, social security number, address, or
1-24 telephone number of a [~~the~~] crime victim or claimant; or

1-25 (2) any other information the disclosure of which
1-26 would identify or tend to identify the crime victim or claimant.

1-27 (c) [~~An election under Subsection (b) must be:~~

1-28 [~~(1) made in writing on a form developed by the~~
1-29 ~~attorney general for that purpose and signed by the crime victim,~~
1-30 ~~and~~

1-31 [~~(2) filed with the crime victims' compensation~~
1-32 ~~division before the third anniversary of the date that the crime~~
1-33 ~~victim filed the application for compensation.~~

1-34 [~~(d) If the crime victim elects not to allow public access~~
1-35 ~~to the information, the information is excepted from the~~
1-36 ~~requirements of Section 552.021. If the crime victim does not make~~
1-37 ~~an election under Subsection (b) or (f) or elects to allow public~~
1-38 ~~access to the information, the information is not excepted from the~~
1-39 ~~requirements of Section 552.021 unless the information is made~~
1-40 ~~confidential or excepted from those requirements by another law.~~

1-41 [~~(e)~~] If the crime victim or claimant is awarded
1-42 compensation under Section 56.34, Code of Criminal Procedure, as of
1-43 the date of the award of compensation, the name of the crime victim
1-44 or claimant and the amount of compensation awarded to that crime
1-45 victim or claimant are public information and are not excepted from
1-46 the requirements of Section 552.021.

1-47 (d) [~~(f)~~] An employee of a governmental body who is also a
1-48 [~~crime~~] victim under Subchapter B, Chapter 56, Code of Criminal
1-49 Procedure, regardless of whether the employee has filed an
1-50 application for compensation under that subchapter, may elect
1-51 whether to allow public access to information held by the attorney
1-52 general's office or other governmental body that would identify or
1-53 tend to identify the [~~crime~~] victim, including a photograph or
1-54 other visual representation of the victim. An election under this
1-55 subsection must be made in writing on a form developed by the
1-56 governmental body, be signed by the employee, and be filed with the
1-57 governmental body before the third anniversary of the latest to
1-58 occur of one of the following:

1-59 (1) the date the crime was committed;

1-60 (2) the date employment begins; or

1-61 (3) the date the governmental body develops the form
1-62 and provides it to employees.

1-63 (e) If the employee fails to make an election under
1-64 Subsection (d), the identifying information is excepted from

2-1 disclosure until the third anniversary of the date the crime was
2-2 committed. In case of disability, impairment, or other incapacity
2-3 of the employee, the election may be made by the guardian of the
2-4 employee or former employee.

2-5 SECTION 2. This Act takes effect September 1, 2007.

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