

By: Davis of Dallas

H.B. No. 1383

A BILL TO BE ENTITLED

AN ACT

relating to access to certain information under the public information law concerning public officers and employees.

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

SECTION 1. Section 552.024, Government Code, is amended to read as follows:

Sec. 552.024. PERSONAL INFORMATION OF EMPLOYEES AND OFFICIALS ~~[ELECTING TO DISCLOSE ADDRESS AND TELEPHONE NUMBER]~~. (a) Information ~~[Each employee or official of a governmental body and each former employee or official of a governmental body shall choose whether to allow public access to the information]~~ in the custody of a ~~[the]~~ governmental body that relates to the ~~[person's]~~ home address, home telephone number, or social security number of an employee or official of the governmental body or of a former employee or official of the governmental body, or that reveals whether the person has family members, is excepted from the requirements of Section 552.021.

(b) ~~[Each employee and official and each former employee and official shall state that person's choice under Subsection (a) to the main personnel officer of the governmental body in a signed writing not later than the 14th day after the date on which:~~

~~[(1) the employee begins employment with the governmental body,~~

~~[(2) the official is elected or appointed, or~~

1 ~~[(3) the former employee or official ends service with~~
2 ~~the governmental body.~~

3 ~~[(c) If the employee or official or former employee or~~
4 ~~official chooses not to allow public access to the information, the~~
5 ~~information is protected under Subchapter C.~~

6 ~~[(d) If an employee or official or a former employee or~~
7 ~~official fails to state the person's choice within the period~~
8 ~~established by this section, the information is subject to public~~
9 ~~access.~~

10 ~~[(e)]~~ An employee or official or former employee or official
11 of a governmental body who wishes to ~~[close or]~~ open public access
12 to the information may request in writing that the main personnel
13 officer of the governmental body ~~[close or]~~ open access.

14 ~~[(f) This section does not apply to a person to whom Section~~
15 ~~552.1175 applies.]~~

16 SECTION 2. Section 552.117(a), Government Code, is amended
17 to read as follows:

18 (a) Information is excepted from the requirements of
19 Section 552.021 if it is information that relates to the home
20 address, home telephone number, or social security number of the
21 following person or that reveals whether the person has family
22 members:

23 (1) ~~[a current or former official or employee of a~~
24 ~~governmental body, except as otherwise provided by Section 552.024,~~

25 ~~[(2)]~~ a peace officer as defined by Article 2.12, Code
26 of Criminal Procedure, or a security officer commissioned under
27 Section 51.212, Education Code, regardless of whether the officer

1 complies with Section [~~552.024 or~~] 552.1175[~~, as applicable~~];

2 (2) [~~(3)~~] a current or former employee of the Texas
3 Department of Criminal Justice or of the predecessor in function of
4 the department or any division of the department, regardless of
5 whether the current or former employee complies with Section
6 552.1175;

7 (3) [~~(4)~~] a peace officer as defined by Article 2.12,
8 Code of Criminal Procedure, or other law, a reserve law enforcement
9 officer, a commissioned deputy game warden, or a corrections
10 officer in a municipal, county, or state penal institution in this
11 state who was killed in the line of duty, regardless of whether the
12 deceased complied with Section [~~552.024 or~~] 552.1175;

13 (4) [~~(5)~~] a commissioned security officer as defined
14 by Section 1702.002, Occupations Code, regardless of whether the
15 officer complies with Section [~~552.024 or~~] 552.1175[~~, as~~
16 ~~applicable~~]; or

17 (5) [~~(6)~~] an officer or employee of a community
18 supervision and corrections department established under Chapter
19 76 who performs a duty described by Section 76.004(b), regardless
20 of whether the officer or employee complies with Section [~~552.024~~
21 ~~or~~] 552.1175.

22 SECTION 3. Section 552.138(b), Government Code, is amended
23 to read as follows:

24 (b) Information maintained by a family violence shelter
25 center or sexual assault program is excepted from the requirements
26 of Section 552.021 if it is information that relates to:

27 (1) the home address, home telephone number, or social

1 security number of an employee or a volunteer worker of a family
2 violence shelter center or a sexual assault program[~~, regardless of~~
3 ~~whether the employee or worker complies with Section 552.024~~];

4 (2) the location or physical layout of a family
5 violence shelter center;

6 (3) the name, home address, home telephone number, or
7 numeric identifier of a current or former client of a family
8 violence shelter center or sexual assault program;

9 (4) the provision of services, including counseling
10 and sheltering, to a current or former client of a family violence
11 shelter center or sexual assault program;

12 (5) the name, home address, or home telephone number
13 of a private donor to a family violence shelter center or sexual
14 assault program; or

15 (6) the home address or home telephone number of a
16 member of the board of directors or the board of trustees of a
17 family violence shelter center or sexual assault program[~~, regardless of whether the board member complies with Section~~
18 ~~552.024~~].

20 SECTION 4. Subchapter C, Chapter 552, Government Code, is
21 amended by adding Section 552.150 to read as follows:

22 Sec. 552.150. EXCEPTION: INFORMATION THAT COULD COMPROMISE
23 SAFETY OF PUBLIC OFFICER OR EMPLOYEE. (a) Information in the
24 custody of a governmental body that relates to an employee or
25 officer of the governmental body is excepted from the requirements
26 of Section 552.021 if:

27 (1) it is information that, if disclosed under the

1 specific circumstances pertaining to the individual, could
2 reasonably be expected to compromise the safety of the individual,
3 such as information that describes or depicts the likeness of the
4 individual, information stating the times that the individual
5 arrives at or departs from work, a description of the individual's
6 automobile, or the location where the individual works or parks;

7 (2) the employee or officer applies in writing to the
8 governmental body's officer for public information to have the
9 information withheld from public disclosure under this section and
10 includes in the application:

11 (A) a description of the information; and

12 (B) the specific circumstances pertaining to the
13 individual that demonstrate why disclosure of the information could
14 reasonably be expected to compromise the safety of the individual;
15 and

16 (3) the officer for public information determines that
17 under the specific circumstances pertaining to the individual,
18 disclosure of the information could reasonably be expected to
19 compromise the safety of the individual.

20 (b) The officer for public information shall endorse on the
21 application the officer's approval of the request in a manner that
22 indicates the information that may be withheld under this section.

23 SECTION 5. The changes in law made by this Act apply in
24 relation to a request for information made under Chapter 552,
25 Government Code, before, on, or after the effective date of this
26 Act.

27 SECTION 6. This Act takes effect immediately if it receives

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1 a vote of two-thirds of all the members elected to each house, as
2 provided by Section 39, Article III, Texas Constitution. If this
3 Act does not receive the vote necessary for immediate effect, this
4 Act takes effect September 1, 2009.