

By: Rios Ybarra

H.B. No. 2132

A BILL TO BE ENTITLED

AN ACT

relating to sealing of court records containing identifying financial information or personal identifying information.

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

SECTION 1. Chapter 23, Government Code, is amended by adding Subchapter D to read as follows:

SUBCHAPTER D. SEALING OF RECORDS CONTAINING IDENTIFYING FINANCIAL INFORMATION OR PERSONAL IDENTIFYING INFORMATION

Sec. 23.251. DEFINITIONS. In this subchapter:

(1) "Identifying financial information" means a tax identification number or information, other than an individual's name or address, that can be used to access an account at a bank, brokerage firm, or other financial institution, including an account number or a verification of that account number.

(2) "Personal identifying information" has the meaning assigned by Section 72.001, Business & Commerce Code.

Sec. 23.252. SEALING OF RECORDS. (a) On motion of a person, including a party or a victim, whose identifying financial information or personal identifying information is included in the court's record, the court shall seal the information unless the court finds good cause not to seal the information.

(b) The court's records sealed under this subchapter are not open for inspection by any person except:

(1) on further order of the court after notice to the

1 person whose information is sealed and a finding of good cause; or  
2 (2) in connection with a criminal or civil proceeding  
3 as otherwise provided by law.

4 SECTION 2. The change in law made by this Act applies only  
5 to a motion to seal records made on or after the effective date of  
6 this Act. A motion to seal records made before the effective date  
7 of this Act is governed by the law in effect immediately before the  
8 effective date of this Act, and the former law is continued in  
9 effect for that purpose.

10 SECTION 3. This Act takes effect immediately if it receives  
11 a vote of two-thirds of all the members elected to each house, as  
12 provided by Section 39, Article III, Texas Constitution. If this  
13 Act does not receive the vote necessary for immediate effect, this  
14 Act takes effect September 1, 2009.