

By: McCall

H.B. No. 3186

A BILL TO BE ENTITLED

AN ACT

relating to the collection and use of biometric identifiers.

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

SECTION 1. Section 503.001(c), Business & Commerce Code, as effective April 1, 2009, is amended to read as follows:

(c) A person who possesses a biometric identifier of an individual:

(1) may not sell, lease, or otherwise disclose the biometric identifier to another person unless:

(A) ~~[the individual consents to the disclosure,~~

~~[(B)]~~ the disclosure completes a financial transaction that the individual requested or authorized;

(B) ~~[(C)]~~ the disclosure is required or permitted by a federal statute or by a state statute other than Chapter 552, Government Code; or

(C) ~~[(D)]~~ the disclosure is made by or to a law enforcement agency for a law enforcement purpose in response to a warrant; ~~and~~

(2) shall store, transmit, and protect from disclosure the biometric identifier using reasonable care and in a manner that is the same as or more protective than the manner in which the person stores, transmits, and protects any other confidential information the person possesses; and

(3) shall destroy the biometric identifier within a

1 reasonable time not to exceed the first anniversary of the date the
2 purpose for collecting the identifier expires.

3 SECTION 2. (a) Section 503.001(c), Business & Commerce
4 Code, as amended by this Act, applies to a biometric identifier
5 possessed by a person before the effective date of this Act, except
6 as provided by Subsection (b) of this section.

7 (b) A person who possesses a biometric identifier that is
8 required to be destroyed because of the change in law made by this
9 Act to Section 503.001(c), Business & Commerce Code, shall destroy
10 the biometric identifier on or before October 1, 2009.

11 SECTION 3. This Act takes effect September 1, 2009.