

By: Anchia

H.B. No. 4134

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the exception from required public disclosure of
3 certain personal information of public employees and public
4 officials.

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

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

8 Sec. 552.024. PERSONAL INFORMATION OF EMPLOYEES AND
9 OFFICIALS [~~ELECTING TO DISCLOSE ADDRESS AND TELEPHONE NUMBER~~]. (a)
10 Information [~~Each employee or official of a governmental body and~~
11 ~~each former employee or official of a governmental body shall~~
12 ~~choose whether to allow public access to the information~~] in the
13 custody of a [~~the~~] governmental body that relates to the [~~person's~~]
14 home address, home telephone number, date of birth, shift
15 assignment, or social security number of an employee, official,
16 former employee, or former official of the governmental body, or
17 that reveals whether the person has family members, [~~-~~

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

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

24 [~~(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 excepted from the requirements of Section 552.021~~
6 ~~[protected under Subchapter C.~~

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

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

16 ~~[(f) This section does not apply to a person to whom Section~~
17 ~~552.1175 applies.]~~

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

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

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

27 ~~[(2)]~~ a peace officer as defined by Article 2.12, Code

1 of Criminal Procedure, or a security officer commissioned under
2 Section 51.212, Education Code, regardless of whether the officer
3 complies with Section [~~552.024 or~~] 552.1175[~~, as applicable~~];

4 (2) [~~(3)~~] a current or former employee of the Texas
5 Department of Criminal Justice or of the predecessor in function of
6 the department or any division of the department, regardless of
7 whether the current or former employee complies with Section
8 552.1175;

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

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

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

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

26 (b) Information maintained by a family violence shelter
27 center or sexual assault program is excepted from the requirements

1 of Section 552.021 if it is information that relates to:

2 (1) the home address, home telephone number, or social
3 security number of an employee or a volunteer worker of a family
4 violence shelter center or a sexual assault program~~[, regardless of
5 whether the employee or worker complies with Section 552.024]~~;

6 (2) the location or physical layout of a family
7 violence shelter center;

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

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

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

17 (6) the home address or home telephone number of a
18 member of the board of directors or the board of trustees of a
19 family violence shelter center or sexual assault program~~[, regardless of whether the board member complies with Section
20 552.024]~~.

22 SECTION 4. (a) Section 552.024, Government Code, as
23 amended by this Act, applies only in connection with a request for
24 information received by a governmental body on or after the
25 effective date of this Act. A request for information received by a
26 governmental body before the effective date of this Act is governed
27 by the law in effect immediately before the effective date of this

1 Act, and the former law is continued in effect for that purpose.

2 (b) Section 552.024, Government Code, as amended by this
3 Act, applies to personal information prepared or assembled before,
4 on, or after the effective date of this Act.

5 (c) A public disclosure before the effective date of this
6 Act of personal information described by Section 552.024,
7 Government Code, does not waive the exception from disclosure
8 provided by that section, as amended by this Act.

9 SECTION 5. This Act takes effect September 1, 2009.