

1-1 By: Carona S.B. No. 331  
1-2 (In the Senate - Filed December 2, 2008; February 11, 2009,  
1-3 read first time and referred to Committee on State Affairs;  
1-4 April 21, 2009, reported adversely, with favorable Committee  
1-5 Substitute by the following vote: Yeas 7, Nays 0; April 21, 2009,  
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 331 By: Carona

1-8 A BILL TO BE ENTITLED  
1-9 AN ACT

1-10 relating to access to certain information under the public  
1-11 information law concerning public officers and employees.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Section 552.024, Government Code, is amended to  
1-14 read as follows:

1-15 Sec. 552.024. PERSONAL INFORMATION OF EMPLOYEES AND  
1-16 OFFICIALS ~~[ELECTING TO DISCLOSE ADDRESS AND TELEPHONE NUMBER]~~.

1-17 (a) Information ~~[Each employee or official of a governmental body~~  
1-18 ~~and each former employee or official of a governmental body shall~~  
1-19 ~~choose whether to allow public access to the information]~~ in the  
1-20 custody of a ~~[the]~~ governmental body that relates to the ~~[person's]~~  
1-21 home address, home telephone number, or social security number of  
1-22 an employee or official of the governmental body or of a former  
1-23 employee or official of the governmental body, or that reveals  
1-24 whether the person has family members, is excepted from the  
1-25 requirements of Section 552.021.

1-26 (b) ~~[Each employee and official and each former employee and~~  
1-27 ~~official shall state that person's choice under Subsection (a) to~~  
1-28 ~~the main personnel officer of the governmental body in a signed~~  
1-29 ~~writing not later than the 14th day after the date on which:~~

1-30 ~~[(1) the employee begins employment with the~~  
1-31 ~~governmental body;~~

1-32 ~~[(2) the official is elected or appointed; or~~

1-33 ~~[(3) the former employee or official ends service with~~  
1-34 ~~the governmental body.~~

1-35 ~~[(c) If the employee or official or former employee or~~  
1-36 ~~official chooses not to allow public access to the information, the~~  
1-37 ~~information is protected under Subchapter C.~~

1-38 ~~[(d) If an employee or official or a former employee or~~  
1-39 ~~official fails to state the person's choice within the period~~  
1-40 ~~established by this section, the information is subject to public~~  
1-41 ~~access.~~

1-42 ~~[(e)]~~ An employee or official or former employee or official  
1-43 of a governmental body who wishes to ~~[close or]~~ open public access  
1-44 to the information may request in writing that the main personnel  
1-45 officer of the governmental body ~~[close or]~~ open access.

1-46 ~~[(f) This section does not apply to a person to whom Section~~  
1-47 ~~552.1175 applies.]~~

1-48 SECTION 2. Subsection (a), Section 552.117, Government  
1-49 Code, is amended to read as follows:

1-50 (a) Information is excepted from the requirements of  
1-51 Section 552.021 if it is information that relates to the home  
1-52 address, home telephone number, or social security number of the  
1-53 following person or that reveals whether the person has family  
1-54 members:

1-55 (1) ~~[a current or former official or employee of a~~  
1-56 ~~governmental body, except as otherwise provided by Section 552.024,~~

1-57 ~~[(2)]~~ a peace officer as defined by Article 2.12, Code  
1-58 of Criminal Procedure, or a security officer commissioned under  
1-59 Section 51.212, Education Code, regardless of whether the officer  
1-60 complies with Section ~~[552.024 or]~~ 552.1175~~[, as applicable];~~

1-61 (2) ~~[(3)]~~ a current or former employee of the Texas  
1-62 Department of Criminal Justice or of the predecessor in function of  
1-63 the department or any division of the department, regardless of

2-1 whether the current or former employee complies with Section  
2-2 552.1175;

2-3 (3) ~~[(4)]~~ a peace officer as defined by Article 2.12,  
2-4 Code of Criminal Procedure, or other law, a reserve law enforcement  
2-5 officer, a commissioned deputy game warden, or a corrections  
2-6 officer in a municipal, county, or state penal institution in this  
2-7 state who was killed in the line of duty, regardless of whether the  
2-8 deceased complied with Section ~~[552.024 or]~~ 552.1175;

2-9 (4) ~~[(5)]~~ a commissioned security officer as defined  
2-10 by Section 1702.002, Occupations Code, regardless of whether the  
2-11 officer complies with Section ~~[552.024 or]~~ 552.1175~~[, as~~  
2-12 ~~applicable]~~; or

2-13 (5) ~~[(6)]~~ an officer or employee of a community  
2-14 supervision and corrections department established under Chapter  
2-15 76 who performs a duty described by Section 76.004(b), regardless  
2-16 of whether the officer or employee complies with Section ~~[552.024~~  
2-17 ~~or]~~ 552.1175.

2-18 SECTION 3. Section 552.138, Government Code, is amended to  
2-19 read as follows:

2-20 Sec. 552.138. EXCEPTION: FAMILY VIOLENCE ~~[SHELTER]~~ CENTER  
2-21 AND SEXUAL ASSAULT PROGRAM INFORMATION. (a) In this section:

2-22 (1) "Family violence ~~[shelter]~~ center" has the meaning  
2-23 assigned by Section 51.002, Human Resources Code.

2-24 (2) "Sexual assault program" has the meaning assigned  
2-25 by Section 420.003.

2-26 (b) Information maintained by a family violence ~~[shelter]~~  
2-27 center or sexual assault program is excepted from the requirements  
2-28 of Section 552.021 if it is information that relates to:

2-29 (1) the home address, home telephone number, or social  
2-30 security number of an employee or a volunteer worker of a family  
2-31 violence ~~[shelter]~~ center or a sexual assault program~~[, regardless~~  
2-32 ~~of whether the employee or worker complies with Section 552.024];~~

2-33 (2) the location or physical layout of a family  
2-34 violence ~~[shelter]~~ center;

2-35 (3) the name, home address, home telephone number, or  
2-36 numeric identifier of a current or former client of a family  
2-37 violence ~~[shelter]~~ center or sexual assault program;

2-38 (4) the provision of services, including counseling  
2-39 and sheltering, to a current or former client of a family violence  
2-40 ~~[shelter]~~ center or sexual assault program;

2-41 (5) the name, home address, or home telephone number  
2-42 of a private donor to a family violence ~~[shelter]~~ center or sexual  
2-43 assault program; or

2-44 (6) the home address or home telephone number of a  
2-45 member of the board of directors or the board of trustees of a  
2-46 family violence ~~[shelter]~~ center or sexual assault program~~[,~~  
2-47 ~~regardless of whether the board member complies with Section~~  
2-48 ~~552.024]~~.

2-49 SECTION 4. Subchapter C, Chapter 552, Government Code, is  
2-50 amended by adding Section 552.150 to read as follows:

2-51 Sec. 552.150. EXCEPTION: INFORMATION THAT COULD COMPROMISE  
2-52 SAFETY OF PUBLIC OFFICER OR EMPLOYEE. (a) Information in the  
2-53 custody of a governmental body that relates to an employee or  
2-54 officer of the governmental body is excepted from the requirements  
2-55 of Section 552.021 if:

2-56 (1) it is information that, if disclosed under the  
2-57 specific circumstances pertaining to the individual, could  
2-58 reasonably be expected to compromise the safety of the individual,  
2-59 such as information that describes or depicts the likeness of the  
2-60 individual, information stating the times that the individual  
2-61 arrives at or departs from work, a description of the individual's  
2-62 automobile, or the location where the individual works or parks;  
2-63 and

2-64 (2) the employee or officer applies in writing to the  
2-65 governmental body's officer for public information to have the  
2-66 information withheld from public disclosure under this section and  
2-67 includes in the application:

2-68 (A) a description of the information; and

2-69 (B) the specific circumstances pertaining to the

3-1 individual that demonstrate why disclosure of the information could  
3-2 reasonably be expected to compromise the safety of the individual.

3-3 (b) On receiving a written request for information  
3-4 described in an application submitted under Subsection (a)(2), the  
3-5 officer for public information shall:

3-6 (1) request a decision from the attorney general in  
3-7 accordance with Section 552.301 regarding withholding the  
3-8 information; and

3-9 (2) include a copy of the application submitted under  
3-10 Subsection (a)(2) with the request for the decision.

3-11 SECTION 5. The changes in law made by this Act apply in  
3-12 relation to a request for information made under Chapter 552,  
3-13 Government Code, before, on, or after the effective date of this  
3-14 Act.

3-15 SECTION 6. This Act takes effect immediately if it receives  
3-16 a vote of two-thirds of all the members elected to each house, as  
3-17 provided by Section 39, Article III, Texas Constitution. If this  
3-18 Act does not receive the vote necessary for immediate effect, this  
3-19 Act takes effect September 1, 2009.

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