

By: Patrick, Dan

S.B. No. 390

A BILL TO BE ENTITLED

1 AN ACT

2 relating to confidentiality of certain information under the public
3 information law and in local tax appraisal records regarding
4 federal law enforcement officers.

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

6 SECTION 1. Articles 2.122(a) and (c), Code of Criminal
7 Procedure, are amended to read as follows:

8 (a) The following named criminal investigators of the
9 United States shall not be deemed peace officers, but shall have the
10 powers of arrest, search and seizure as to felony offenses only
11 under the laws of the State of Texas:

12 (1) Special Agents of the Federal Bureau of
13 Investigation;

14 (2) Special Agents of the Secret Service;

15 (3) Special Agents of the United States Immigration
16 and Customs Enforcement agency [~~Customs Service~~];

17 (4) Special Agents of Alcohol, Tobacco and Firearms;

18 (5) Special Agents of Federal Drug Enforcement Agency;

19 (6) Inspectors of the United States Postal Service;

20 (7) Special Agents of the Criminal Investigation
21 Division and Inspectors of the Internal Security Division of the
22 Internal Revenue Service;

23 (8) Civilian Special Agents of the United States Naval
24 Investigative Service;

1 (9) Marshals and Deputy Marshals of the United States
2 Marshals Service;

3 (10) Special Agents of the United States Citizenship
4 and Immigration Services [~~Immigration and Naturalization Service~~];
5 and

6 (11) Special Agents of the United States Department of
7 State, Bureau of Diplomatic Security.

8 (c) A Customs and Border Protection Officer of the United
9 States Customs and Border Protection [~~customs inspector of the~~
10 ~~United States Customs Service~~] or a Border Patrol agent,
11 immigration enforcement agent, or deportation [~~border patrolman or~~
12 ~~immigration~~] officer of the Department of Homeland Security [~~United~~
13 ~~States Department of Justice~~] is not a peace officer under the laws
14 of this state but, on the premises of a port facility designated by
15 the commissioner of the United States Customs and Border Protection
16 [~~Immigration and Naturalization Service~~] as a port of entry for
17 arrival in the United States by land transportation from the United
18 Mexican States into the State of Texas or at a permanent established
19 border patrol traffic check point, has the authority to detain a
20 person pending transfer without unnecessary delay to a peace
21 officer if the agent [~~inspector, patrolman,~~] or officer has
22 probable cause to believe that the person has engaged in conduct
23 that is a violation of Section 49.02, 49.04, 49.07, or 49.08, Penal
24 Code, regardless of whether the violation may be disposed of in a
25 criminal proceeding or a juvenile justice proceeding.

26 SECTION 2. Section 552.1175(a), Government Code, is amended
27 to read as follows:

1 (a) This section applies only to:

2 (1) peace officers as defined by Article 2.12, Code of
3 Criminal Procedure;

4 (2) county jailers as defined by Section 1701.001,
5 Occupations Code;

6 (3) current or former employees of the Texas
7 Department of Criminal Justice or of the predecessor in function of
8 the department or any division of the department;

9 (4) commissioned security officers as defined by
10 Section 1702.002, Occupations Code;

11 (5) employees of a district attorney, criminal
12 district attorney, or county or municipal attorney whose
13 jurisdiction includes any criminal law or child protective services
14 matters; ~~and~~

15 (6) officers and employees of a community supervision
16 and corrections department established under Chapter 76 who perform
17 a duty described by Section 76.004(b);

18 (7) criminal investigators of the United States as
19 described by Article 2.122(a), Code of Criminal Procedure; and

20 (8) police officers and inspectors of the United
21 States Federal Protective Service.

22 SECTION 3. Section 25.025(a), Tax Code, as amended by
23 Chapters 594 (H.B. 41), 621 (H.B. 455), and 851 (H.B. 1151), Acts of
24 the 80th Legislature, Regular Session, 2007, is reenacted and
25 amended to read as follows:

26 (a) This section applies only to:

27 (1) a current or former peace officer as defined by

1 Article 2.12, Code of Criminal Procedure;

2 (2) a county jailer as defined by Section 1701.001,
3 Occupations Code;

4 (3) an employee of the Texas Department of Criminal
5 Justice;

6 (4) a commissioned security officer as defined by
7 Section 1702.002, Occupations Code;

8 (5) a victim of family violence as defined by Section
9 71.004, Family Code, if as a result of the act of family violence
10 against the victim, the actor is convicted of a felony or a Class A
11 misdemeanor; ~~and~~

12 (6) a federal judge or state judge;

13 (7) ~~[(6)]~~ a current or former employee of a district
14 attorney, criminal district attorney, or county or municipal
15 attorney whose jurisdiction includes any criminal law or child
16 protective services matters;

17 (8) ~~[(6)]~~ an officer or employee of a community
18 supervision and corrections department established under Chapter
19 76, Government Code, who performs a duty described by Section
20 76.004(b) of that code;

21 (9) a criminal investigator of the United States as
22 described by Article 2.122(a), Code of Criminal Procedure; and

23 (10) a police officer or inspector of the United
24 States Federal Protective Service.

25 SECTION 4. The changes in law made by this Act to Section
26 552.1175, Government Code, and Section 25.025, Tax Code, apply only
27 to a request for information that is received by a governmental body

1 or an officer for public information on or after the effective date
2 of this Act. A request for information that was received before the
3 effective date of this Act is governed by the law in effect on the
4 date the request was received, and the former law is continued in
5 effect for that purpose.

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