

By: Fletcher

H.B. No. 1046

A BILL TO BE ENTITLED

AN ACT

relating to the confidentiality of certain personal information.

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

SECTION 1. Section 552.117(a), Government Code, is amended to read as follows:

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

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

(2) a peace officer as defined by Article 2.12, Code of Criminal Procedure, or a security officer commissioned under Section 51.212, Education Code, regardless of whether the officer complies with Section 552.024 or 552.1175, as applicable;

(3) a current or former employee of the Texas Department of Criminal Justice or of the predecessor in function of the department or any division of the department, regardless of whether the current or former employee complies with Section 552.1175;

(4) a peace officer as defined by Article 2.12, Code of Criminal Procedure, or other law, a reserve law enforcement officer, a commissioned deputy game warden, or a corrections

officer in a municipal, county, or state penal institution in this state who was killed in the line of duty, regardless of whether the deceased complied with Section 552.024 or 552.1175;

(5) a commissioned security officer as defined by Section 1702.002, Occupations Code, regardless of whether the officer complies with Section 552.024 or 552.1175, as applicable; ~~or~~

(6) an officer or employee of a community supervision and corrections department established under Chapter 76 who performs a duty described by Section 76.004(b), regardless of whether the officer or employee complies with Section 552.024 or 552.1175; or

(7) a current or former employee of the office of the attorney general who is or was assigned to a division of that office the duties of which involve law enforcement, regardless of whether the current or former employee complies with Section 552.024 or 552.1175.

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

(a) This section applies only to:

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

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

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

1 (4) commissioned security officers as defined by
2 Section 1702.002, Occupations Code;

3 (5) employees of a district attorney, criminal
4 district attorney, or county or municipal attorney whose
5 jurisdiction includes any criminal law or child protective services
6 matters;

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

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

12 (8) police officers and inspectors of the United
13 States Federal Protective Service; and

14 (9) current and former employees of the office of the
15 attorney general who are or were assigned to a division of that
16 office the duties of which involve law enforcement.

17 SECTION 3. Subchapter Z, Chapter 157, Local Government
18 Code, is amended by adding Section 157.905 to read as follows:

19 Sec. 157.905. PERSONNEL RECORDS OF DEPUTY SHERIFF IN
20 CERTAIN COUNTIES. (a) This section applies only to a sheriff's
21 department in a county with a population of 300,000 or more.

22 (b) In this section, "personnel record" includes any
23 letter, memorandum, or document maintained by the sheriff's
24 department that relates to a deputy sheriff, including background
25 investigations, employment applications, employment contracts,
26 service and training records, requests for off-duty employment,
27 birth records, reference letters, letters of recommendation,

1 performance evaluations and counseling records, results of
2 physical tests, polygraph questionnaires and results, proficiency
3 tests, the results of health examinations and other medical
4 records, workers' compensation files, the results of psychological
5 examinations, leave requests, requests for transfers of shift or
6 duty assignments, commendations, promotional processes, demotions,
7 complaints and complaint investigations, employment-related
8 grievances, and school transcripts.

9 (c) The personnel records of a sheriff's deputy appointed
10 under Section 85.003 may not be disclosed or otherwise made
11 available to the public, except the sheriff's department shall
12 release, in accordance with Chapter 552, Government Code:

13 (1) any letter, memorandum, or document relating to:

14 (A) a commendation, congratulation, or honor
15 bestowed on the deputy for an action, duty, or activity that relates
16 to the deputy's official duties; and

17 (B) misconduct by the deputy, if the letter,
18 memorandum, or document resulted in disciplinary action;

19 (2) the application for employment submitted by the
20 deputy, but not including any attachments to the application;

21 (3) any reference letter submitted by the deputy;

22 (4) any letter of recommendation for the deputy;

23 (5) any employment contract with the deputy;

24 (6) any periodic evaluation of the deputy by a
25 supervisor;

26 (7) any document recording a promotion or demotion of
27 the deputy;

1 (8) any request for leave by the deputy;

2 (9) any request by the deputy for transfers of shift or
3 duty assignments;

4 (10) any documents presented and considered at a
5 public hearing under Chapter 158;

6 (11) the deputy's:

7 (A) name;

8 (B) age;

9 (C) dates of employment;

10 (D) positions held; and

11 (E) gross salary; and

12 (12) information about the location of the deputy's
13 department duty assignments.

14 (d) The sheriff's department may release any personnel
15 record of a deputy appointed under Section 85.003:

16 (1) pursuant to a subpoena or court order, including a
17 discovery order;

18 (2) for use by the sheriff's department in an
19 administrative hearing; or

20 (3) with the written authorization of the deputy who
21 is the subject of the record.

22 (e) A release of information under Subsection (d) does not
23 waive the right to assert in the future that the information is
24 excepted from required disclosure under this section or other law.

25 SECTION 4. Section 25.025(a), Tax Code, is amended to read
26 as follows:

27 (a) This section applies only to:

1 (1) a current or former peace officer as defined by
2 Article 2.12, Code of Criminal Procedure;

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

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

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

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

13 (6) a federal judge, a state judge, or the spouse of a
14 federal judge or state judge;

15 (7) a current or former employee of a district
16 attorney, criminal district attorney, or county or municipal
17 attorney whose jurisdiction includes any criminal law or child
18 protective services matters;

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

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

25 (10) a police officer or inspector of the United
26 States Federal Protective Service; and

27 (11) a current or former employee of the office of the

1 attorney general who is or was assigned to a division of that office
2 the duties of which involve law enforcement.

3 SECTION 5. This Act takes effect immediately if it receives
4 a vote of two-thirds of all the members elected to each house, as
5 provided by Section 39, Article III, Texas Constitution. If this
6 Act does not receive the vote necessary for immediate effect, this
7 Act takes effect September 1, 2011.