

By: Farrar

H.B. No. 3750

Substitute the following for H.B. No. 3750:

By: Bohac

C.S.H.B. No. 3750

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the destruction of the records of businesses, state and
3 local governments, and nonprofit entities stored on copy machines;
4 providing a civil penalty.

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

6 SECTION 1. Subchapter A, Chapter 72, Business & Commerce
7 Code, is amended by adding Section 72.005 to read as follows:

8 Sec. 72.005. DESTRUCTION OF BUSINESS RECORDS OR NONPROFIT
9 ENTITY RECORDS STORED ON COPY MACHINES REQUIRED. (a)
10 Notwithstanding Section 72.002 or any other law relating to the
11 retention of records, a business or a nonprofit entity shall
12 destroy, or arrange for the destruction of, all business records or
13 records of the nonprofit entity stored on a copy machine before the
14 business or nonprofit entity terminates its ownership, lease, or
15 use of the machine.

16 (b) A business or nonprofit entity that violates Subsection
17 (a) is liable to this state for a civil penalty in an amount not to
18 exceed \$10,000 for each violation. The attorney general or a county
19 or district attorney may bring an action to recover the civil
20 penalty imposed under this subsection.

21 (c) In this section, "records," with respect to a nonprofit
22 entity, means any material recorded or preserved by any means.

23 SECTION 2. Chapter 202, Local Government Code, is amended
24 by adding Section 202.010 to read as follows:

1 Sec. 202.010. DESTRUCTION OF RECORDS STORED ON COPY
2 MACHINES REQUIRED. (a) A local government shall destroy, or
3 arrange for the destruction of, all local government records stored
4 on a copy machine before the local government terminates its
5 ownership, lease, or use of the machine.

6 (b) A local government that violates Subsection (a) is
7 liable to this state for a civil penalty in an amount not to exceed
8 \$10,000 for each violation. The attorney general or a county or
9 district attorney may bring an action to recover the civil penalty
10 imposed under this subsection.

11 SECTION 3. Section 441.187, Government Code, is amended by
12 adding Subsections (a-1) and (f) to read as follows:

13 (a-1) Notwithstanding Subsections (a), (b), (c), and (d), a
14 state agency shall destroy, or arrange for the destruction of, all
15 state records stored on a copy machine before the agency terminates
16 its ownership, lease, or use of the machine.

17 (f) A state agency that violates Subsection (a-1) is liable
18 to this state for a civil penalty in an amount not to exceed \$10,000
19 for each violation. The attorney general or a county or district
20 attorney may bring an action to recover the civil penalty imposed
21 under this subsection.

22 SECTION 4. This Act takes effect September 1, 2013.