

BILL ANALYSIS

C.S.H.B. 2359
By: Bohac
Homeland Security & Public Safety
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties from around the country have expressed deep concerns about sweeping requests by federal officials for sensitive personal data, declaring that bulk requests are overly broad and at odds with basic constitutional rights. C.S.H.B. 2359 seeks to address this issue of constitutionality with respect to responses by the Department of Public Safety to such requests.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 2359 amends the Government Code to remove the requirement that the Department of Public Safety (DPS) disclose to a criminal justice agency information contained in its files and records regarding whether a named individual or any individual named in a specified list is licensed to carry a concealed handgun. The bill instead authorizes DPS to disclose such information only in response to a subpoena issued in a criminal proceeding. The bill prohibits DPS, to the extent allowed by federal law, from providing a list of individuals licensed to carry a concealed handgun to a federal criminal justice agency in response to a bulk request made by the agency.

EFFECTIVE DATE

September 1, 2015.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 2359 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

SECTION 1. Section 411.192, Government Code, is amended by amending Subsection (a) and adding Subsections (a-1), (a-2), and

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Section 411.192, Government Code, is amended by amending Subsection (a) and adding Subsections (a-1) and (a-2) to

84R 27935

15.125.755

Substitute Document Number: 84R 23386

(a-3) to read as follows:

(a) In this section, "criminal justice agency" has the meaning assigned by Article 60.01, Code of Criminal Procedure.

(a-1) Subject to Subsection (a-2), the ~~[The]~~ department shall disclose to a criminal justice agency information contained in its files and records regarding whether a named individual or any individual named in a specified list is licensed under this subchapter. Information on an individual subject to disclosure under this section includes the individual's name, date of birth, gender, race, zip code, telephone number, e-mail address, and Internet website address. Except as otherwise provided by this section and by Section 411.193, all other records maintained under this subchapter are confidential and are not subject to mandatory disclosure under the open records law, Chapter 552.

(a-2) The department, in response to a bulk request made by a federal criminal justice agency, may not provide to the agency a list of individuals licensed to carry a concealed handgun under this subchapter.

(a-3) A person commits an offense if the person violates Subsection (a-2). An offense under this subsection is a state jail felony.

SECTION 2. This Act takes effect September 1, 2015.

read as follows:

(a) In this section:

(1) "Bulk request" means a request for all or a significant portion of the names or other personal information of applicants or licensees who:

(A) reside within a certain geographical area; or

(B) applied for a license or were licensed within a certain period.

(2) "Criminal justice agency" has the meaning assigned by Article 60.01, Code of Criminal Procedure.

(a-1) Subject to Subsection (a-2), the ~~[The]~~ department may, only in response to a subpoena issued in a criminal proceeding, ~~[shall]~~ disclose to a criminal justice agency information contained in its files and records regarding whether a named individual or any individual named in a specified list is licensed under this subchapter. Information on an individual subject to disclosure under this section includes the individual's name, date of birth, gender, race, zip code, telephone number, e-mail address, and Internet website address. Except as otherwise provided by this section and by Section 411.193, all other records maintained under this subchapter are confidential and are not subject to mandatory disclosure under the open records law, Chapter 552.

(a-2) To the extent allowed by federal law, the department, in response to a bulk request made by a federal criminal justice agency, may not provide to the agency a list of individuals licensed to carry a concealed handgun under this subchapter.

SECTION 2. Same as introduced version.