

By: Naishtat

H.B. No. 1333

A BILL TO BE ENTITLED

AN ACT

relating to a request for a customer record of a financial institution for guardianship purposes.

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

SECTION 1. Section 59.006(a), Finance Code, is amended to read as follows:

(a) This section provides the exclusive method for compelled discovery of a record of a financial institution relating to one or more customers but does not create a right of privacy in a record. This section does not apply to and does not require or authorize a financial institution to give a customer notice of:

(1) a demand or inquiry from a state or federal government agency authorized by law to conduct an examination of the financial institution;

(2) a record request from a state or federal government agency or instrumentality under statutory or administrative authority that provides for, or is accompanied by, a specific mechanism for discovery and protection of a customer record of a financial institution, including a record request from a federal agency subject to the Right to Financial Privacy Act of 1978 (12 U.S.C. Section 3401 et seq.), as amended, or from the Internal Revenue Service under Section 1205, Internal Revenue Code of 1986;

(3) a record request from or report to a government

1 agency arising out of:

2 (A) the investigation or prosecution of a
3 criminal offense;

4 (B) the investigation of alleged abuse, neglect,
5 or exploitation of an elderly or disabled person in accordance with
6 Chapter 48, Human Resources Code; or

7 (C) the assessment for or provision of
8 guardianship services under Subchapter E, Chapter 161, Human
9 Resources Code;

10 (4) a record request in connection with a garnishment
11 proceeding in which the financial institution is garnishee and the
12 customer is debtor;

13 (5) a record request by a duly appointed receiver for
14 the customer;

15 (6) an investigative demand or inquiry from a state
16 legislative investigating committee;

17 (7) an investigative demand or inquiry from the
18 attorney general of this state as authorized by law other than the
19 procedural law governing discovery in civil cases; ~~or~~

20 (8) the voluntary use or disclosure of a record by a
21 financial institution subject to other applicable state or federal
22 law; or

23 (9) a record request in connection with an
24 investigation conducted under Section 1054.151, 1054.152, or
25 1102.001, Estates Code.

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