

By: Smithee

H.B. No. 3424

A BILL TO BE ENTITLED

AN ACT

relating to a central database containing information about certain individuals under guardianship.

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

SECTION 1. Subchapter C, Chapter 1053, Estates Code, is amended by adding Section 1053.106 to read as follows:

Sec. 1053.106. CERTAIN INFORMATION PROVIDED BY COURT CLERK.

(a) Except as provided by Subsection (b), the clerk of a court shall compile and provide to the Department of Public Safety of the State of Texas the:

(1) names of incapacitated persons who are at least 18 years of age and who have a guardian appointed under Title 3, Estates Code;

(2) name of the guardian appointed for each incapacitated person; and

(3) contact information for the guardian appointed for each incapacitated person.

(b) The clerk of a court must obtain the consent of a guardian of an incapacitated person on a form prescribed by the Department of Public Safety of the State of Texas before the clerk may provide to the department the information for the incapacitated person described by Subsection (a).

SECTION 2. Subchapter D, Chapter 411, Government Code, is amended by adding Section 411.055 to read as follows:

1 Sec. 411.055. DATABASE OF INCAPACITATED PERSONS AND
2 GUARDIANS. (a) In this section:

3 (1) "Incapacitated person" means an adult who:

4 (A) because of a physical or mental condition, is
5 substantially unable to:

6 (i) provide food, clothing, or shelter for
7 himself or herself;

8 (ii) care for the person's own physical
9 health; or

10 (iii) manage the person's own financial
11 affairs; and

12 (B) has a guardian appointed under Title 3,
13 Estates Code.

14 (2) "Emergency service provider" means an individual
15 who provides emergency response services, including a law
16 enforcement officer, firefighter, emergency medical services
17 provider, dispatcher, or rescue service provider.

18 (b) The department shall develop and maintain a
19 computerized central database accessible only to emergency service
20 providers that contains, to the extent the information is available
21 to the department:

22 (1) the names of incapacitated persons who have a
23 guardian consenting to the dissemination of the incapacitated
24 person's information under Section 1053.106, Estates Code; and

25 (2) for each incapacitated person, the name of the
26 guardian appointed for that person and contact information for the
27 guardian.

1 (c) Information contained in the database is confidential
2 and not subject to disclosure under Chapter 552, Government Code.

3 (d) The director shall adopt rules as necessary to implement
4 and maintain the database created under this section.

5 SECTION 3. This Act takes effect September 1, 2015.