

By: Smithee

H.B. No. 3424

A BILL TO BE ENTITLED

1 AN ACT

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

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

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

7 Sec. 1053.106. CERTAIN INFORMATION PROVIDED BY COURT CLERK.

8 The clerk of a court shall compile and provide to the Department of
9 Public Safety of the State of Texas the:

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

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

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

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

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

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

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

24 (i) provide food, clothing, or shelter for

1 himself or herself;

2 (ii) care for the person's own physical
3 health; or

4 (iii) manage the person's own financial
5 affairs; and

6 (B) has a guardian appointed under Title 3,
7 Estates Code.

8 (2) "Emergency service provider" means an individual
9 who provides emergency response services, including a law
10 enforcement officer, firefighter, emergency medical services
11 provider, dispatcher, or rescue service provider.

12 (b) The department shall develop and maintain a
13 computerized central database accessible only to emergency service
14 providers that contains, to the extent the information is available
15 to the department:

16 (1) the names of incapacitated persons; and

17 (2) for each incapacitated person, the name of the
18 guardian appointed for that person and contact information for the
19 guardian.

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

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

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