

SENATE AMENDMENTS

2nd Printing

By: Fletcher

H.B. No. 2152

A BILL TO BE ENTITLED

AN ACT

relating to the confidentiality of certain information concerning
service members of the state military forces.

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

SECTION 1. Subchapter E, Chapter 437, Government Code, is
amended by adding Section 437.232 to read as follows:

Sec. 437.232. CONFIDENTIALITY OF CERTAIN INFORMATION. (a)
Information that relates to the military service of a service
member ordered to state active duty, including the service member's
name, orders, and the location of the service member's deployment,
is confidential and not subject to Chapter 552 during the period the
service member remains ordered to state active duty.

(b) After a service member is relieved from duty,
information pertaining to the service member's state active duty is
public information and is not excepted from required disclosure
under Chapter 552, subject to state and federal laws governing
disclosure of military information.

SECTION 2. Section 552.117(a), Government Code, is amended
to read as follows:

(a) Information is excepted from the requirements of
Section 552.021 if it is information that relates to the home
address, home telephone number, emergency contact information, or
social security number of the following person or that reveals
whether the person has family members:

1 (1) a current or former official or employee of a
2 governmental body, except as otherwise provided by Section 552.024;

3 (2) a peace officer as defined by Article 2.12, Code of
4 Criminal Procedure, or a security officer commissioned under
5 Section 51.212, Education Code, regardless of whether the officer
6 complies with Section 552.024 or 552.1175, as applicable;

7 (3) a current or former employee of the Texas
8 Department of Criminal Justice or of the predecessor in function of
9 the department or any division of the department, regardless of
10 whether the current or former employee complies with Section
11 552.1175;

12 (4) a peace officer as defined by Article 2.12, Code of
13 Criminal Procedure, or other law, a reserve law enforcement
14 officer, a commissioned deputy game warden, or a corrections
15 officer in a municipal, county, or state penal institution in this
16 state who was killed in the line of duty, regardless of whether the
17 deceased complied with Section 552.024 or 552.1175;

18 (5) a commissioned security officer as defined by
19 Section 1702.002, Occupations Code, regardless of whether the
20 officer complies with Section 552.024 or 552.1175, as applicable;

21 (6) an officer or employee of a community supervision
22 and corrections department established under Chapter 76 who
23 performs a duty described by Section 76.004(b), regardless of
24 whether the officer or employee complies with Section 552.024 or
25 552.1175;

26 (7) a current or former employee of the office of the
27 attorney general who is or was assigned to a division of that office

1 the duties of which involve law enforcement, regardless of whether
2 the current or former employee complies with Section 552.024 or
3 552.1175;

4 (8) a current or former employee of the Texas Juvenile
5 Justice Department or of the predecessors in function of the
6 department, regardless of whether the current or former employee
7 complies with Section 552.1175;

8 (9) a juvenile probation or supervision officer
9 certified by the Texas Juvenile Justice Department, or the
10 predecessors in function of the department, under Title 12, Human
11 Resources Code; ~~or~~

12 (10) employees of a juvenile justice program or
13 facility, as those terms are defined by Section 261.405, Family
14 Code; or

15 (11) a current or former member of the Texas military
16 forces, as that term is defined by Section 437.001.

17 SECTION 3. The changes in law made by this Act apply only to
18 a request for information that is received by a governmental body or
19 an officer for public information on or after the effective date of
20 this Act. A request for information that was received before the
21 effective date of this Act is governed by the law in effect on the
22 date the request was received, and the former law is continued in
23 effect for that purpose.

24 SECTION 4. This Act takes effect September 1, 2015.

ADOPTED

MAY 15 2015

Atty. Gen.
Secretary of the Senate

By: Representative Fletcher/Senator Estes

H..B. No. 2152

Substitute the following for __.B. No. ____:

By: Sab Hall

C.S.H..B. No. 2152

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the confidentiality of certain information concerning
3 service members of the state military forces.

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

5 SECTION 1. Subchapter E, Chapter 437, Government Code, is
6 amended by adding Section 437.232 to read as follows:

7 Sec. 437.232. CONFIDENTIALITY OF MILITARY PERSONNEL
8 INFORMATION. (a) In this section, "military personnel
9 information" means a service member's name, home address, rank,
10 official title, pay rate or grade, state active duty orders,
11 deployment locations, military duty addresses, awards and
12 decorations, length of military service, and medical records.

13 (b) A service member's military personnel information is
14 confidential and not subject to disclosure under Chapter 552.

15 SECTION 2. Section 552.117(a), Government Code, is amended
16 to read as follows:

17 (a) Information is excepted from the requirements of
18 Section 552.021 if it is information that relates to the home
19 address, home telephone number, emergency contact information, or
20 social security number of the following person or that reveals
21 whether the person has family members:

22 (1) a current or former official or employee of a
23 governmental body, except as otherwise provided by Section 552.024;

24 (2) a peace officer as defined by Article 2.12, Code of

1 Criminal Procedure, or a security officer commissioned under
2 Section 51.212, Education Code, regardless of whether the officer
3 complies with Section 552.024 or 552.1175, as applicable;

4 (3) a current or former employee of the Texas
5 Department of Criminal Justice or of the predecessor in function of
6 the department or any division of the department, regardless of
7 whether the current or former employee complies with Section
8 552.1175;

9 (4) a peace officer as defined by Article 2.12, Code of
10 Criminal Procedure, or other law, a reserve law enforcement
11 officer, a commissioned deputy game warden, or a corrections
12 officer in a municipal, county, or state penal institution in this
13 state who was killed in the line of duty, regardless of whether the
14 deceased complied with Section 552.024 or 552.1175;

15 (5) a commissioned security officer as defined by
16 Section 1702.002, Occupations Code, regardless of whether the
17 officer complies with Section 552.024 or 552.1175, as applicable;

18 (6) an officer or employee of a community supervision
19 and corrections department established under Chapter 76 who
20 performs a duty described by Section 76.004(b), regardless of
21 whether the officer or employee complies with Section 552.024 or
22 552.1175;

23 (7) a current or former employee of the office of the
24 attorney general who is or was assigned to a division of that office
25 the duties of which involve law enforcement, regardless of whether
26 the current or former employee complies with Section 552.024 or
27 552.1175;

1 (8) a current or former employee of the Texas Juvenile
2 Justice Department or of the predecessors in function of the
3 department, regardless of whether the current or former employee
4 complies with Section 552.1175;

5 (9) a juvenile probation or supervision officer
6 certified by the Texas Juvenile Justice Department, or the
7 predecessors in function of the department, under Title 12, Human
8 Resources Code; ~~[or]~~

9 (10) employees of a juvenile justice program or
10 facility, as those terms are defined by Section 261.405, Family
11 Code; or

12 (11) a current or former member of the Texas military
13 forces, as that term is defined by Section 437.001.

14 SECTION 3. The changes in law made by this Act apply only to
15 a request for information that is received by a governmental body or
16 an officer for public information on or after the effective date of
17 this Act. A request for information that was received before the
18 effective date of this Act is governed by the law in effect on the
19 date the request was received, and the former law is continued in
20 effect for that purpose.

21 SECTION 4. This Act takes effect September 1, 2015.

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION

May 15, 2015

TO: Honorable Joe Straus, Speaker of the House, House of Representatives

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB2152 by Fletcher (Relating to the confidentiality of certain information concerning service members of the state military forces.), **As Passed 2nd House**

No fiscal implication to the State is anticipated.

The bill would amend the Government Code to specify that military personnel information such as name, rank, pay rate or grade, or other specified information is confidential and not subject to disclosure.

The bill would take effect September 1, 2015.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 401 Military Department

LBB Staff: UP, SD, RCa, FR, AI

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION

May 7, 2015

TO: Honorable Donna Campbell, Chair, Senate Committee on Veteran Affairs & Military Installations

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB2152 by Fletcher (Relating to the confidentiality of certain information concerning service members of the state military forces.), **Committee Report 2nd House, Substituted**

No fiscal implication to the State is anticipated.

The bill would amend the Government Code to specify that military personnel information such as name, rank, pay rate or grade, or other specified information is confidential and not subject to disclosure.

The bill would take effect September 1, 2015.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 401 Military Department

LBB Staff: UP, RCa, FR, AI

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION

May 1, 2015

TO: Honorable Donna Campbell, Chair, Senate Committee on Veteran Affairs & Military Installations

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB2152 by Fletcher (Relating to the confidentiality of certain information concerning service members of the state military forces.), **As Engrossed**

No fiscal implication to the State is anticipated.

The bill would amend the Government Code to specify that information related to a service member's participation on state active duty is confidential; however, after relieved from duty this information may be publicly released. A service member's personal information would not be released.

The bill would take effect September 1, 2015.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 401 Military Department

LBB Staff: UP, FR, AI, RCa

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION

March 23, 2015

TO: Honorable Susan Lewis King, Chair, House Committee on Defense & Veterans' Affairs

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB2152 by Fletcher (Relating to the confidentiality of certain information concerning service members of the state military forces.), **As Introduced**

No fiscal implication to the State is anticipated.

The bill would amend the Government Code to specify that information related to a service member's participation on state active duty is confidential; however, after relieved from duty this information may be publicly released. A service member's personal information would not be released.

The bill would take effect September 1, 2015.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 401 Military Department

LBB Staff: UP, FR, AI, RCa

LEGISLATIVE BUDGET BOARD
Austin, Texas

OPEN GOVERNMENT IMPACT STATEMENT

84TH LEGISLATIVE REGULAR SESSION

May 4, 2015

TO: Honorable Donna Campbell, Chair, Senate Committee on Veteran Affairs & Military Installations

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB2152 by Fletcher (Relating to the confidentiality of certain information concerning service members of the state military forces.), **As Engrossed**

As a result of this bill there will be a restriction upon the open records law and the access to government information.

The bill would exempt certain information that relates to the military service of a service member from Chapter 552, Government Code during the period the service member remains ordered to state active duty.

Source Agencies:

LBB Staff: UP, SD, KVe