

House Bill 3424
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

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:

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

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

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

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

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

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

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

(2) "Emergency service provider" means an individual who

SENATE VERSION (IE)

(Unless otherwise indicated, all SECTIONS below are from FA1)

No equivalent provision.

No equivalent provision.

CONFERENCE

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provides emergency response services, including a law enforcement officer, firefighter, emergency medical services provider, dispatcher, or rescue service provider.

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

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

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

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

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

No equivalent provision.

SENATE VERSION (IE)

(Unless otherwise indicated, all SECTIONS below are from FA1)

CONFERENCE

SECTION 1. (a) In this section, "incapacitated person" means an adult who:

(1) because of a physical or mental condition, is substantially unable to:

- (A) provide food, clothing, or shelter for himself or herself;
- (B) care for the person's own physical health; or
- (C) manage the person's own financial affairs; and

(2) has a guardian appointed under Title 3, Estates Code.

(b) The Office of Court Administration of the Texas Judicial System shall conduct a study on:

(1) the feasibility of developing, implementing, and maintaining a computerized central database that contains:

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- (A) the names of incapacitated persons; and
- (B) for each incapacitated person, the name of the guardian appointed for that person and contact information for the guardian; and
- (2) best practices for protecting the privacy of incapacitated persons and the confidentiality of information included in the database.
- (c) Not later than December 1, 2016, the director of the office of court administration shall provide a report on the results of the study to the governor, the lieutenant governor, the speaker of the house of representatives, and the appropriate standing committees of the senate and the house of representatives.
- (d) This section expires September 1, 2017.

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

SECTION 2. Same as House version.