

By: Dutton

H.B. No. 1278

A BILL TO BE ENTITLED

AN ACT

relating to availability of personal information of certain current and former prosecutors.

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

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

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

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

(4) a peace officer as defined by Article 2.12, Code of Criminal Procedure, or other law, a reserve law enforcement

1 officer, a commissioned deputy game warden, or a corrections  
2 officer in a municipal, county, or state penal institution in this  
3 state who was killed in the line of duty, regardless of whether the  
4 deceased complied with Section 552.024 or 552.1175;

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

8 (6) an officer or employee of a community supervision  
9 and corrections department established under Chapter 76 who  
10 performs a duty described by Section 76.004(b), regardless of  
11 whether the officer or employee complies with Section 552.024 or  
12 552.1175;

13 (7) a current or former employee of the office of the  
14 attorney general who is or was assigned to a division of that office  
15 the duties of which involve law enforcement, regardless of whether  
16 the current or former employee complies with Section 552.024 or  
17 552.1175;

18 (8) a current or former employee of the Texas Juvenile  
19 Justice Department or of the predecessors in function of the  
20 department, regardless of whether the current or former employee  
21 complies with Section 552.024 or 552.1175;

22 (9) a current or former juvenile probation or  
23 supervision officer certified by the Texas Juvenile Justice  
24 Department, or the predecessors in function of the department,  
25 under Title 12, Human Resources Code, regardless of whether the  
26 current or former officer complies with Section 552.024 or  
27 552.1175;

1           (10) a current or former employee of a juvenile  
2 justice program or facility, as those terms are defined by Section  
3 [261.405](#), Family Code, regardless of whether the current or former  
4 employee complies with Section [552.024](#) or [552.1175](#); [~~or~~]

5           (11) a current or former member of the Texas military  
6 forces, as that term is defined by Section [437.001](#);

7           (12) a current or former district attorney, criminal  
8 district attorney, or county or municipal attorney whose  
9 jurisdiction includes any criminal law or child protective services  
10 matters, regardless of whether the current or former attorney  
11 complies with Section [552.024](#) or [552.1175](#); or

12           (13) a current or former employee of a district  
13 attorney, criminal district attorney, or county or municipal  
14 attorney whose jurisdiction includes any criminal law or child  
15 protective services matters, regardless of whether the current or  
16 former employee complies with Section [552.024](#) or [552.1175](#).

17           SECTION 2. Section [552.1175](#)(a), Government Code, is amended  
18 to read as follows:

19           (a) This section applies only to:

20           (1) peace officers as defined by Article [2.12](#), Code of  
21 Criminal Procedure;

22           (2) county jailers as defined by Section [1701.001](#),  
23 Occupations Code;

24           (3) current or former employees of the Texas  
25 Department of Criminal Justice or of the predecessor in function of  
26 the department or any division of the department;

27           (4) commissioned security officers as defined by

1 Section 1702.002, Occupations Code;

2 (5) [~~employees of~~] a current or former district  
3 attorney, criminal district attorney, or county or municipal  
4 attorney whose jurisdiction includes any criminal law or child  
5 protective services matters;

6 (5-a) a current or former employee of a district  
7 attorney, criminal district attorney, or county or municipal  
8 attorney whose jurisdiction includes any criminal law or child  
9 protective services matters;

10 (6) officers and employees of a community supervision  
11 and corrections department established under Chapter 76 who perform  
12 a duty described by Section 76.004(b);

13 (7) criminal investigators of the United States as  
14 described by Article 2.122(a), Code of Criminal Procedure;

15 (8) police officers and inspectors of the United  
16 States Federal Protective Service;

17 (9) current and former employees of the office of the  
18 attorney general who are or were assigned to a division of that  
19 office the duties of which involve law enforcement;

20 (10) current or former juvenile probation and  
21 detention officers certified by the Texas Juvenile Justice  
22 Department, or the predecessors in function of the department,  
23 under Title 12, Human Resources Code;

24 (11) current or former employees of a juvenile justice  
25 program or facility, as those terms are defined by Section 261.405,  
26 Family Code;

27 (12) current or former employees of the Texas Juvenile

1 Justice Department or the predecessors in function of the  
2 department; and

3 (13) federal judges and state judges as defined by  
4 Section 13.0021, Election Code.

5 SECTION 3. Section 25.025(a), Tax Code, is amended to read  
6 as follows:

7 (a) This section applies only to:

8 (1) a current or former peace officer as defined by  
9 Article 2.12, Code of Criminal Procedure;

10 (2) a county jailer as defined by Section 1701.001,  
11 Occupations Code;

12 (3) an employee of the Texas Department of Criminal  
13 Justice;

14 (4) a commissioned security officer as defined by  
15 Section 1702.002, Occupations Code;

16 (5) a victim of family violence as defined by Section  
17 71.004, Family Code, if as a result of the act of family violence  
18 against the victim, the actor is convicted of a felony or a Class A  
19 misdemeanor;

20 (6) a federal judge, a state judge, or the spouse of a  
21 federal judge or state judge;

22 (7) a current or former district attorney, criminal  
23 district attorney, or county or municipal attorney whose  
24 jurisdiction includes any criminal law or child protective services  
25 matters;

26 (7-a) a current or former employee of a district  
27 attorney, criminal district attorney, or county or municipal

1 attorney whose jurisdiction includes any criminal law or child  
2 protective services matters;

3 (8) an officer or employee of a community supervision  
4 and corrections department established under Chapter 76,  
5 Government Code, who performs a duty described by Section 76.004(b)  
6 of that code;

7 (9) a criminal investigator of the United States as  
8 described by Article 2.122(a), Code of Criminal Procedure;

9 (10) a police officer or inspector of the United  
10 States Federal Protective Service;

11 (11) a current or former United States attorney or  
12 assistant United States attorney and the spouse and child of the  
13 attorney;

14 (12) a current or former employee of the office of the  
15 attorney general who is or was assigned to a division of that office  
16 the duties of which involve law enforcement;

17 (13) a medical examiner or person who performs  
18 forensic analysis or testing who is employed by this state or one or  
19 more political subdivisions of this state;

20 (14) a current or former member of the United States  
21 armed forces who has served in an area that the president of the  
22 United States by executive order designates for purposes of 26  
23 U.S.C. Section 112 as an area in which armed forces of the United  
24 States are or have engaged in combat;

25 (15) a current or former employee of the Texas  
26 Juvenile Justice Department or of the predecessors in function of  
27 the department;

1           (16) a current or former juvenile probation or  
2 supervision officer certified by the Texas Juvenile Justice  
3 Department, or the predecessors in function of the department,  
4 under Title 12, Human Resources Code; and

5           (17) a current or former employee of a juvenile  
6 justice program or facility, as those terms are defined by Section  
7 [261.405](#), Family Code.

8           SECTION 4. The changes in law made by this Act to Sections  
9 [552.117\(a\)](#) and [552.1175\(a\)](#), Government Code, and Section  
10 [25.025\(a\)](#), Tax Code, apply only to a request for information that is  
11 received by a governmental body or an officer for public  
12 information on or after the effective date of this Act. A request  
13 for information that was received before the effective date of this  
14 Act is governed by the law in effect on the date the request was  
15 received, and the former law is continued in effect for that  
16 purpose.

17           SECTION 5. This Act takes effect immediately if it receives  
18 a vote of two-thirds of all the members elected to each house, as  
19 provided by Section [39](#), Article III, Texas Constitution. If this  
20 Act does not receive the vote necessary for immediate effect, this  
21 Act takes effect September 1, 2017.