

SENATE AMENDMENTS

2nd Printing

By: Dutton

H.B. No. 1278

A BILL TO BE ENTITLED

1 AN ACT
2 relating to availability of personal information of certain current
3 and former prosecutors.

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

5 SECTION 1. Section 552.117(a), Government Code, is amended
6 to read as follows:

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

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

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

18 (3) a current or former employee of the Texas
19 Department of Criminal Justice or of the predecessor in function of
20 the department or any division of the department, regardless of
21 whether the current or former employee complies with Section
22 552.1175;

23 (4) a peace officer as defined by Article 2.12, Code of
24 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.

FLOOR AMENDMENT NO. 1

ADOPTED

MAY 24 2017

BY:

Zaffarini

Haley Saw
Secretary of the Senate

1 Amend H.B. No. 1278 as follows

2 (1) In Section 1 of the bill, in amended Section
3 552.117(a), Government Code (page 2, line 18), strike "or".

4 (2) In Section 1 of the bill, in amended Section
5 552.117(a), Government Code (page 2, line 23), strike the period
6 and substitute the following:

7 ; or

8 (14) a current or former employee of the Department of
9 Family and Protective Services, regardless of whether the
10 employee complies with Section 552.024 or 552.1175, or a current
11 or former employee of a department contractor performing
12 services for the contractor on behalf of the department.

13 (3) In Section 2 of the bill, in amended Section
14 552.1175(a), Government Code (page 2, line 63), strike "and" and
15 substitute "[~~and~~]".

16 (4) In Section 2 of the bill, in amended Section
17 552.1175(a), Government Code (page 2, line 65), between "Code"
18 and the period, insert the following:

19 ; and

20 (14) a current or former employee of the Department of
21 Family and Protective Services, regardless of whether the
22 employee complies with Section 552.024 or 552.1175, or a current
23 or former employee of a department contractor performing
24 services for the contractor on behalf of the department

25 (5) In Section 3 of the bill, in amended Section 25.025(a),
26 Tax Code (page 3, line 50), strike "and" and substitute "[~~and~~]".

27 (6) In Section 3 of the bill, in amended Section 25.025(a),
28 Tax Code (page 3, line 53), between "Code" and the period,
29 insert the following:

1 ; and

2 (18) a current or former employee of the Department of
3 Family and Protective Services or a current or former employee
4 of a department contractor performing services for the
5 contractor on behalf of the department

6 (7) Add the following appropriately numbered SECTION and
7 renumber SECTIONS of the bill as appropriate:

8 SECTION _____. The heading to Section 552.1175, Government
9 Code, is amended to read as follows:

10 Sec. 552.1175. EXCEPTION: CONFIDENTIALITY OF CERTAIN
11 PERSONAL IDENTIFYING INFORMATION OF PEACE OFFICERS AND OTHER
12 OFFICIALS PERFORMING SENSITIVE GOVERNMENTAL FUNCTIONS [~~7-COUNTY~~
13 ~~JAILERS, SECURITY OFFICERS, EMPLOYEES OF CERTAIN CRIMINAL OR~~
14 ~~JUVENILE JUSTICE AGENCIES OR OFFICES, AND FEDERAL AND STATE~~
15 ~~JUDGES~~].

ADOPTED

^W
MAY 24 2017

Katay Spaw
Secretary of the Senate

FLOOR AMENDMENT NO. 2

BY: *Jai Menig*

1 Amend H.B. No. 1278 (senate committee printing) as follows:

2 (1) In SECTION 3 of the bill, in amended Section
3 25.025(a)(16), Tax Code (page 3, line 50), strike "and" and
4 substitute "[~~and~~]".

5 (2) In SECTION 3 of the bill, in amended Section
6 25.025(a)(17), Tax Code (page 3, line 53), between "Code" and the
7 period, insert the following:

8 ; and

9 (18) a code enforcement officer who holds a
10 certificate of registration issued under Chapter 1952, Occupations
11 Code

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

May 25, 2017

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

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB1278 by Dutton (Relating to availability of personal information of certain current and former prosecutors.), **As Passed 2nd House**

No significant fiscal implication to the State is anticipated.

The bill would amend the Government Code relating to exempting personal information including home address, home telephone, emergency contact information or social security for select public officials. The bill would add a current or former district attorney, criminal district attorney, current or former employee of the Department of Family and Protective Services, code enforcements officers, or county or municipal attorney or any former employee of these offices if the jurisdiction includes criminal law or child protective services matters.

The bill would take effect immediately if it receives a two-thirds vote in each house; otherwise, the bill would take effect September 1, 2017.

The Office of Court Administration (OCA) states that the bill would not likely result in significant fiscal impacts to the state and local court systems.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council

LBB Staff: UP, KJo, LBO, GG, BM

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

May 11, 2017

TO: Honorable John Whitmire, Chair, Senate Committee on Criminal Justice

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB1278 by Dutton (Relating to availability of personal information of certain current and former prosecutors.), **As Engrossed**

No significant fiscal implication to the State is anticipated.

The bill would amend the Government Code relating to exempting personal information including home address, home telephone, emergency contact information or social security for select public officials. The bill would add a current or former district attorney, criminal district attorney, or county or municipal attorney or any former employee of these offices if the jurisdiction includes criminal law or child protective services matters.

The bill would take effect immediately if it receives a two-thirds vote in each house; otherwise, the bill would take effect September 1, 2017.

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Local Government Impact

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Source Agencies: 212 Office of Court Administration, Texas Judicial Council

LBB Staff: UP, KJo, LBO, GG, BM

**LEGISLATIVE BUDGET BOARD
Austin, Texas**

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

March 31, 2017

TO: Honorable Gary Elkins, Chair, House Committee on Government Transparency & Operation

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB1278 by Dutton (Relating to availability of personal information of certain current and former prosecutors.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would amend the Government Code relating to exempting personal information including home address, home telephone, emergency contact information or social security for select public officials. The bill would add a current or former district attorney, criminal district attorney, or county or municipal attorney or any former employee of these offices if the jurisdiction includes criminal law or child protective services matters.

The bill would take effect immediately if it receives a two-thirds vote in each house; otherwise, the bill would take effect September 1, 2017.

The Office of Court Administration (OCA) states that the bill would not likely result in significant fiscal impacts to the state and local court systems.

Local Government Impact

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LBB Staff: UP, LBO, GG, BM