

BILL ANALYSIS

Senate Research Center

S.B. 489
By: Zaffirini
State Affairs
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Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

In response to the horrific attack against Judge Julie Kocurek, the legislature passed S.B. 42 by Senator Zaffirini in 2017. S.B. 42 contained a section requiring the Texas Ethics Commission (TEC) to redact the residential address of a federal or state judge or the spouse of a federal or state judge from any financial statement or information derived from a financial statement. Judges have informed the Office of Court Administration (OCA) that this provision does not include redaction from other campaign reports filed with TEC. What's more, under current law a county clerk can only redact a judge's personal information from deeds or deeds of trust. There are several other categories of documents, however, that also contain such personal information, including home equity security instruments, releases of lien, special powers of attorney, releases of mortgage, and lost note affidavits.

S.B. 489 would direct TEC to remove a judge's or judge's spouse's personal information from the judge's campaign reports made available for inspection or posted online upon a written request from the judge or notification from OCA that a person qualified for judicial office. This would close a loophole in existing law, which specifies personal financial statements must be redacted but not campaign reports, making it harder for bad actors to find judges' personal information online. What's more, S.B. 489 would require a county clerk to redact from any documents published online by the county clerk the social security number, driver's license number, and residence address of a federal judge, state judge, or spouse of the federal or state judge upon receipt of a written redaction request by the judge or the judge's spouse. This would ensure that a judge's personal information can be removed from all documents posted on a county clerk's website. (Original Author's/Sponsor's Statement of Intent)

S.B. 489 amends current law relating to personal information that may be omitted from certain records, licenses, and reports and to other court security measures.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter B, Chapter 254, Election Code, by adding Section 254.0313, as follows:

Sec. 254.0313. OMISSION OF ADDRESS FOR JUDGE AND SPOUSE. (a) Defines "federal judge" and "state judge."

(b) Requires the Texas Ethics Commission, on receiving notice from the Office of Court Administration of the Texas Judicial System (OCA) of a judge's qualification for office or upon receipt of a written request from a federal judge, state judge, or spouse of a federal or state judge, to remove or redact the residence address of the federal judge, state judge, or spouse of a federal or state judge from any report filed by the judge in the judge's capacity or made available on the Internet under this chapter (Political Reporting).

SECTION 2. Amends Section 72.015, Government Code, by adding Subsection (d) to require the director of security and emergency preparedness appointed by OCA to oversee the judicial security division of OCA to annually submit to the legislature a report on court security activities throughout the state supported by the judicial security division that includes certain information and certain recommendations.

SECTION 3. Amends Section 145.007, Local Government Code, by adding Subsection (d), as follows:

(d) Requires the clerk or secretary of the municipality, on the written request of a municipal court judge of the municipality or a candidate for municipal court judge, to remove or redact the residence address of the municipal court judge, municipal court judge's spouse, or candidate for the office of municipal court judge, from a financial statement filed under this chapter (Financial Disclosure by and Standards of Conduct For Local Government Officers) before the financial statement is made available to a member of the public.

SECTION 4. Amends Chapter 159, Local Government Code, by adding Subchapter D, as follows:

SUBCHAPTER D. PROTECTION FOR JUDICIAL OFFICERS

Sec. 159.071. OMISSION OF ADDRESS. (a) Defines "county attorney" and "state judge" for purposes of this section.

(b) Requires the county clerk, on receiving notice from OCA of a county attorney's or state judge's qualifications for office or on receipt of a written request from a county attorney, state judge, spouse of a county attorney or state judge, or candidate for the office of county attorney or state judge, to remove or redact the residence address of the county attorney, state judge, spouse of a county attorney or state judge, or candidate for the office of county attorney or state judge from any report filed under this chapter (Financial Disclosure by County Officers and Employees) by the county attorney, state judge, or candidate before the statement is made available to a member of the public.

SECTION 5. Amends Section 11.008(a), Property Code, to define "instrument" for purposes of this section.

SECTION 6. Amends Section 25.025(b), Tax Code, to provide that information in appraisal records under Section 25.02 (Form and Content) is confidential and is available only for the official use of certain persons and entities if the individual is a federal or state judge, rather than a federal or state judge as defined by Section 572.002 (General Definitions), Government Code, or the spouse of a federal or state judge, beginning on the date OCA notifies the appraisal district of the judge's qualification for the judge's office.

SECTION 7. Amends Section 521.121(c), Transportation Code, to require the Department of Public Safety of the State of Texas to establish a procedure, on a license holder's qualification as a federal or state judge as defined by Section 13.0021, Election Code, rather than Section 572.002, Government Code, to omit the residence address of the judge and the spouse of the judge on the license holder's license and to include, in lieu of that address, the street address of the courthouse in which the license holder or license holder's spouse serves as a federal or state judge.

SECTION 8. Makes application of Section 254.0313, Election Code, as added by this Act, prospective.

SECTION 9. Effective date: September 1, 2019.