

By: VanDeaver

H.B. No. 418

A BILL TO BE ENTITLED

AN ACT

relating to the availability of personal information of a current or former federal prosecutor.

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

SECTION 1. Section 552.117(a), Government Code, as amended by Chapters 34 (S.B. 1576), 190 (S.B. 42), and 1006 (H.B. 1278), Acts of the 85th Legislature, Regular Session, 2017, is reenacted and 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;

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

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

10 (6) an officer or employee of a community supervision
11 and corrections department established under Chapter 76 who
12 performs a duty described by Section 76.004(b), regardless of
13 whether the officer or employee complies with Section 552.024 or
14 552.1175;

15 (7) a current or former employee of the office of the
16 attorney general who is or was assigned to a division of that office
17 the duties of which involve law enforcement, regardless of whether
18 the current or former employee complies with Section 552.024 or
19 552.1175;

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

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

1 current or former officer complies with Section 552.024 or
2 552.1175;

3 (10) a current or former employee of a juvenile
4 justice program or facility, as those terms are defined by Section
5 261.405, Family Code, regardless of whether the current or former
6 employee complies with Section 552.024 or 552.1175;

7 (11) a current or former member of the Texas military
8 forces, as that term is defined by Section 437.001;

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

14 (13) a current or former employee of a district
15 attorney, criminal district attorney, or county or municipal
16 attorney whose jurisdiction includes any criminal law or child
17 protective services matters, regardless of whether the current or
18 former employee complies with Section 552.024 or 552.1175;i

19 (14) [~~(12)~~] a current or former employee of the Texas
20 Civil Commitment Office or of the predecessor in function of the
21 office or a division of the office, regardless of whether the
22 current or former employee complies with Section 552.024 or
23 552.1175;i

24 (15) [~~(12)~~] a current or former federal judge or state
25 judge, as those terms are defined by Section 13.0021(a), Election
26 Code, or a spouse of a current or former federal judge or state
27 judge; or

1 (16) a current or former United States attorney or
2 assistant United States attorney, regardless of whether the current
3 or former attorney complies with Section 552.024 or 552.1175
4 ~~[(13) a current or former district attorney, criminal district~~
5 ~~attorney, or county attorney whose jurisdiction includes any~~
6 ~~criminal law or child protective services matter].~~

7 SECTION 2. The heading to Section 552.1175, Government
8 Code, is amended to read as follows:

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

15 SECTION 3. Section 552.1175(a), Government Code, is amended
16 to read as follows:

17 (a) This section applies only to:

18 (1) peace officers as defined by Article 2.12, Code of
19 Criminal Procedure;

20 (2) county jailers as defined by Section 1701.001,
21 Occupations Code;

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

25 (4) commissioned security officers as defined by
26 Section 1702.002, Occupations Code;

27 (5) a current or former district attorney, criminal

1 district attorney, or county or municipal attorney whose
2 jurisdiction includes any criminal law or child protective services
3 matters;

4 (5-a) a current or former employee of a district
5 attorney, criminal district attorney, or county or municipal
6 attorney whose jurisdiction includes any criminal law or child
7 protective services matters;

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

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

13 (8) police officers and inspectors of the United
14 States Federal Protective Service;

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

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

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

25 (12) current or former employees of the Texas Juvenile
26 Justice Department or the predecessors in function of the
27 department;

1 (13) federal judges and state judges as defined by
2 Section 13.0021, Election Code; ~~and~~

3 (14) current or former employees of the Texas Civil
4 Commitment Office or of the predecessor in function of the office or
5 a division of the office; and

6 (15) a current or former United States attorney or
7 assistant United States attorney.

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

15 SECTION 5. This Act takes effect immediately if it receives
16 a vote of two-thirds of all the members elected to each house, as
17 provided by Section 39, Article III, Texas Constitution. If this
18 Act does not receive the vote necessary for immediate effect, this
19 Act takes effect September 1, 2019.