

By: Wu, Miller, Klick, Hinojosa, Rose

H.B. No. 759

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the availability of personal information of a child
3 protective services caseworker, adult protective services
4 caseworker, or investigator.

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

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

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

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

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

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

1 552.1175;

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

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

11 (6) an officer or employee of a community supervision
12 and corrections department established under Chapter 76 who
13 performs a duty described by Section 76.004(b), regardless of
14 whether the officer or employee complies with Section 552.024 or
15 552.1175;

16 (7) a current or former employee of the office of the
17 attorney general who is or was assigned to a division of that office
18 the duties of which involve law enforcement, regardless of whether
19 the current or former employee complies with Section 552.024 or
20 552.1175;

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

25 (9) a current or former juvenile probation or
26 supervision officer certified by the Texas Juvenile Justice
27 Department, or the predecessors in function of the department,

1 under Title 12, Human Resources Code, regardless of whether the
2 current or former officer complies with Section 552.024 or
3 552.1175;

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

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

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

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

20 (14) [~~(12)~~] a current or former employee of the Texas
21 Civil Commitment Office or of the predecessor in function of the
22 office or a division of the office, regardless of whether the
23 current or former employee complies with Section 552.024 or
24 552.1175;i

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

1 judge; or

2 (16) a current or former child protective services
3 caseworker, adult protective services caseworker, or investigator
4 for the Department of Family and Protective Services, regardless of
5 whether the caseworker or investigator complies with Section
6 552.024 or 552.1175, or a current or former employee of a department
7 contractor performing child protective services caseworker, adult
8 protective services caseworker, or investigator functions for the
9 contractor on behalf of the department [~~(13) a current or former~~
10 ~~district attorney, criminal district attorney, or county attorney~~
11 ~~whose jurisdiction includes any criminal law or child protective~~
12 ~~services matter~~].

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

15 Sec. 552.1175. EXCEPTION: CONFIDENTIALITY OF CERTAIN
16 PERSONAL IDENTIFYING INFORMATION OF PEACE OFFICERS AND OTHER
17 OFFICIALS PERFORMING SENSITIVE GOVERNMENTAL FUNCTIONS [~~, COUNTY~~
18 ~~JAILERS, SECURITY OFFICERS, EMPLOYEES OF CERTAIN STATE AGENCIES OR~~
19 ~~CERTAIN CRIMINAL OR JUVENILE JUSTICE AGENCIES OR OFFICES, AND~~
20 ~~FEDERAL AND STATE JUDGES~~].

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

23 (a) This section applies only to:

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

26 (2) county jailers as defined by Section 1701.001,
27 Occupations Code;

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

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

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

10 (5-a) a current or former employee of a district
11 attorney, criminal district attorney, or county or municipal
12 attorney whose jurisdiction includes any criminal law or child
13 protective services matters;

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

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

19 (8) police officers and inspectors of the United
20 States Federal Protective Service;

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

24 (10) current or former juvenile probation and
25 detention officers certified by the Texas Juvenile Justice
26 Department, or the predecessors in function of the department,
27 under Title 12, Human Resources Code;

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

4 (12) current or former employees of the Texas Juvenile
5 Justice Department or the predecessors in function of the
6 department;

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

9 (14) current or former employees of the Texas Civil
10 Commitment Office or of the predecessor in function of the office or
11 a division of the office; and

12 (15) a current or former child protective services
13 caseworker, adult protective services caseworker, or investigator
14 for the Department of Family and Protective Services or a current or
15 former employee of a department contractor performing child
16 protective services caseworker, adult protective services
17 caseworker, or investigator functions for the contractor on behalf
18 of the department.

19 SECTION 4. Section 25.025(a), Tax Code, as amended by
20 Chapters 34 (S.B. 1576), 41 (S.B. 256), 193 (S.B. 510), 1006 (H.B.
21 1278), and 1145 (H.B. 457), Acts of the 85th Legislature, Regular
22 Session, 2017, is reenacted and amended to read as follows:

23 (a) This section applies only to:

24 (1) a current or former peace officer as defined by
25 Article 2.12, Code of Criminal Procedure, and the spouse or
26 surviving spouse of the peace officer;

27 (2) the adult child of a current peace officer as

1 defined by Article 2.12, Code of Criminal Procedure;

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

4 (4) an employee of the Texas Department of Criminal
5 Justice;

6 (5) a commissioned security officer as defined by
7 Section 1702.002, Occupations Code;

8 (6) an individual who shows that the individual, the
9 individual's child, or another person in the individual's household
10 is a victim of family violence as defined by Section 71.004, Family
11 Code, by providing:

12 (A) a copy of a protective order issued under
13 Chapter 85, Family Code, or a magistrate's order for emergency
14 protection issued under Article 17.292, Code of Criminal Procedure;
15 or

16 (B) other independent documentary evidence
17 necessary to show that the individual, the individual's child, or
18 another person in the individual's household is a victim of family
19 violence;

20 (7) [~~(6)~~] an individual who shows that the individual,
21 the individual's child, or another person in the individual's
22 household is a victim of sexual assault or abuse, stalking, or
23 trafficking of persons by providing:

24 (A) a copy of a protective order issued under
25 Chapter 7A or Article 6.09, Code of Criminal Procedure, or a
26 magistrate's order for emergency protection issued under Article
27 17.292, Code of Criminal Procedure; or

1 (B) other independent documentary evidence
2 necessary to show that the individual, the individual's child, or
3 another person in the individual's household is a victim of sexual
4 assault or abuse, stalking, or trafficking of persons;

5 (8) [~~(7)~~] a participant in the address
6 confidentiality program administered by the attorney general under
7 Subchapter C, Chapter 56, Code of Criminal Procedure, who provides
8 proof of certification under Article 56.84, Code of Criminal
9 Procedure;

10 (9) [~~(8)~~] a federal judge, a state judge, or the
11 spouse of a federal judge or state judge;

12 (10) a current or former district attorney, criminal
13 district attorney, or county or municipal attorney whose
14 jurisdiction includes any criminal law or child protective services
15 matters;

16 (11) [~~(9)~~] a current or former employee of a district
17 attorney, criminal district attorney, or county or municipal
18 attorney whose jurisdiction includes any criminal law or child
19 protective services matters;

20 (12) [~~(10)~~] an officer or employee of a community
21 supervision and corrections department established under Chapter
22 76, Government Code, who performs a duty described by Section
23 76.004(b) of that code;

24 (13) [~~(11)~~] a criminal investigator of the United
25 States as described by Article 2.122(a), Code of Criminal
26 Procedure;

27 (14) [~~(12)~~] a police officer or inspector of the

1 United States Federal Protective Service;

2 (15) [~~(13)~~] a current or former United States attorney
3 or assistant United States attorney and the spouse and child of the
4 attorney;

5 (16) [~~(14)~~] a current or former employee of the office
6 of the attorney general who is or was assigned to a division of that
7 office the duties of which involve law enforcement;

8 (17) [~~(15)~~] a medical examiner or person who performs
9 forensic analysis or testing who is employed by this state or one or
10 more political subdivisions of this state;

11 (18) [~~(16)~~] a current or former member of the United
12 States armed forces who has served in an area that the president of
13 the United States by executive order designates for purposes of 26
14 U.S.C. Section 112 as an area in which armed forces of the United
15 States are or have engaged in combat;

16 (19) [~~(17)~~] a current or former employee of the Texas
17 Juvenile Justice Department or of the predecessors in function of
18 the department;

19 (20) [~~(18)~~] a current or former juvenile probation or
20 supervision officer certified by the Texas Juvenile Justice
21 Department, or the predecessors in function of the department,
22 under Title 12, Human Resources Code;

23 (21) [~~(19)~~] a current or former employee of a juvenile
24 justice program or facility, as those terms are defined by Section
25 [261.405](#), Family Code; [~~and~~]

26 (22) [~~(18)~~] a current or former employee of the Texas
27 Civil Commitment Office or of the predecessor in function of the

1 office or a division of the office;

2 (23) [~~(18)~~] a current or former employee of a federal
3 judge or state judge; and

4 (24) a current or former child protective services
5 caseworker, adult protective services caseworker, or investigator
6 for the Department of Family and Protective Services or a current or
7 former employee of a department contractor performing child
8 protective services caseworker, adult protective services
9 caseworker, or investigator functions for the contractor on behalf
10 of the department.

11 SECTION 5. The changes in law made by this Act to Sections
12 552.117 and 552.1175, Government Code, and Section 25.025, Tax
13 Code, apply only to a request for information that is received by a
14 governmental body or an officer on or after the effective date of
15 this Act. A request for information that was received before the
16 effective date of this Act is governed by the law in effect on the
17 date the request was received, and the former law is continued in
18 effect for that purpose.

19 SECTION 6. To the extent of any conflict, this Act prevails
20 over another Act of the 86th Legislature, Regular Session, 2019,
21 relating to nonsubstantive additions to and corrections in enacted
22 codes.

23 SECTION 7. This Act takes effect immediately if it receives
24 a vote of two-thirds of all the members elected to each house, as
25 provided by Section 39, Article III, Texas Constitution. If this
26 Act does not receive the vote necessary for immediate effect, this
27 Act takes effect September 1, 2019.