

By: Wu, Miller, Klick, Hinojosa, Rose

H.B. No. 759

Substitute the following for H.B. No. 759:

By: Klick

C.S.H.B. No. 759

A BILL TO BE ENTITLED

AN ACT

1  
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.