

By: Wu

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 or investigator.

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

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

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

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

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

20 (3) a current or former employee of the Texas
21 Department of Criminal Justice or of the predecessor in function of
22 the department or any division of the department, regardless of
23 whether the current or former employee complies with Section
24 552.1175;

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

11 SECTION 2. The heading to Section [552.1175](#), Government
12 Code, is amended to read as follows:

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

19 SECTION 3. Section [552.1175](#)(a), Government Code, is amended
20 to read as follows:

21 (a) This section applies only to:

22 (1) peace officers as defined by Article [2.12](#), Code of
23 Criminal Procedure;

24 (2) county jailers as defined by Section [1701.001](#),
25 Occupations Code;

26 (3) current or former employees of the Texas
27 Department of Criminal Justice or of the predecessor in function of

1 the department or any division of the department;

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

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

8 (5-a) a current or former employee of a district
9 attorney, criminal district attorney, or county or municipal
10 attorney whose jurisdiction includes any criminal law or child
11 protective services matters;

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

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

17 (8) police officers and inspectors of the United
18 States Federal Protective Service;

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

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

26 (11) current or former employees of a juvenile justice
27 program or facility, as those terms are defined by Section 261.405,

1 Family Code;

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

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

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

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

16 SECTION 4. Section 25.025(a), Tax Code, as amended by
17 Chapters 34 (S.B. 1576), 41 (S.B. 256), 193 (S.B. 510), 1006 (H.B.
18 1278), and 1145 (H.B. 457), Acts of the 85th Legislature, Regular
19 Session, 2017, is reenacted and amended to read as follows:

20 (a) This section applies only to:

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

24 (2) the adult child of a current peace officer as
25 defined by Article 2.12, Code of Criminal Procedure;

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

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

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

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

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

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

17 (7) (6) [~~(6)~~] an individual who shows that the individual,
18 the individual's child, or another person in the individual's
19 household is a victim of sexual assault or abuse, stalking, or
20 trafficking of persons by providing:

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

25 (B) other independent documentary evidence
26 necessary to show that the individual, the individual's child, or
27 another person in the individual's household is a victim of sexual

1 assault or abuse, stalking, or trafficking of persons;

2 (8) [~~(7)~~] a participant in the address
3 confidentiality program administered by the attorney general under
4 Subchapter C, Chapter 56, Code of Criminal Procedure, who provides
5 proof of certification under Article 56.84, Code of Criminal
6 Procedure;

7 (9) [~~(8)~~] a federal judge, a state judge, or the
8 spouse of a federal judge or state judge;

9 (10) 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;

13 (11) [~~(9)~~] a current or former employee of a district
14 attorney, criminal district attorney, or county or municipal
15 attorney whose jurisdiction includes any criminal law or child
16 protective services matters;

17 (12) [~~(10)~~] an officer or employee of a community
18 supervision and corrections department established under Chapter
19 76, Government Code, who performs a duty described by Section
20 76.004(b) of that code;

21 (13) [~~(11)~~] a criminal investigator of the United
22 States as described by Article 2.122(a), Code of Criminal
23 Procedure;

24 (14) [~~(12)~~] a police officer or inspector of the
25 United States Federal Protective Service;

26 (15) [~~(13)~~] a current or former United States attorney
27 or assistant United States attorney and the spouse and child of the

1 attorney;

2 (16) [~~(14)~~] a current or former employee of the office
3 of the attorney general who is or was assigned to a division of that
4 office the duties of which involve law enforcement;

5 (17) [~~(15)~~] a medical examiner or person who performs
6 forensic analysis or testing who is employed by this state or one or
7 more political subdivisions of this state;

8 (18) [~~(16)~~] a current or former member of the United
9 States armed forces who has served in an area that the president of
10 the United States by executive order designates for purposes of 26
11 U.S.C. Section 112 as an area in which armed forces of the United
12 States are or have engaged in combat;

13 (19) [~~(17)~~] a current or former employee of the Texas
14 Juvenile Justice Department or of the predecessors in function of
15 the department;

16 (20) [~~(18)~~] a current or former juvenile probation or
17 supervision officer certified by the Texas Juvenile Justice
18 Department, or the predecessors in function of the department,
19 under Title 12, Human Resources Code;

20 (21) [~~(19)~~] a current or former employee of a juvenile
21 justice program or facility, as those terms are defined by Section
22 [261.405](#), Family Code; ~~and~~

23 (22) [~~(18)~~] a current or former employee of the Texas
24 Civil Commitment Office or of the predecessor in function of the
25 office or a division of the office;

26 (23) [~~(18)~~] a current or former employee of a federal
27 judge or state judge; and

1 (24) a current or former child protective services
2 caseworker or investigator for the Department of Family and
3 Protective Services or a current or former employee of a department
4 contractor performing child protective services caseworker or
5 investigator functions for the contractor on behalf of the
6 department.

7 SECTION 5. The changes in law made by this Act to Sections
8 552.117 and 552.1175, Government Code, and Section 25.025, Tax
9 Code, apply only to a request for information that is received by a
10 governmental body or an officer on or after the effective date of
11 this Act. A request for information that was received before the
12 effective date of this Act is governed by the law in effect on the
13 date the request was received, and the former law is continued in
14 effect for that purpose.

15 SECTION 6. To the extent of any conflict, this Act prevails
16 over another Act of the 86th Legislature, Regular Session, 2019,
17 relating to nonsubstantive additions to and corrections in enacted
18 codes.

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