

By: Cortez, Davis of Dallas

H.B. No. 1351

A BILL TO BE ENTITLED

AN ACT

relating to the confidentiality of certain information concerning service members of the United States armed forces and the state military forces.

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

SECTION 1. Subchapter A, Chapter 434, Government Code, is amended by adding Section 434.0205 to read as follows:

Sec. 434.0205. CONFIDENTIALITY OF INFORMATION PROVIDED TO COMMISSION. Any information provided by a person to the commission to receive services or participate in commission programs is confidential and not subject to disclosure under Chapter 552.

SECTION 2. 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

1 Section 51.212, Education Code, regardless of whether the officer  
2 complies with Section 552.024 or 552.1175, as applicable;

3 (3) a current or former employee of the Texas  
4 Department of Criminal Justice or of the predecessor in function of  
5 the department or any division of the department, regardless of  
6 whether the current or former employee complies with Section  
7 552.1175;

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

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

17 (6) an officer or employee of a community supervision  
18 and corrections department established under Chapter 76 who  
19 performs a duty described by Section 76.004(b), regardless of  
20 whether the officer or employee complies with Section 552.024 or  
21 552.1175;

22 (7) a current or former employee of the office of the  
23 attorney general who is or was assigned to a division of that office  
24 the duties of which involve law enforcement, regardless of whether  
25 the current or former employee complies with Section 552.024 or  
26 552.1175;

27 (8) a current or former employee of the Texas Juvenile

Justice Department or of the predecessors in function of the department, regardless of whether the current or former employee complies with Section 552.024 or 552.1175;

(9) a current or former juvenile probation or supervision officer certified by the Texas Juvenile Justice Department, or the predecessors in function of the department, under Title 12, Human Resources Code, regardless of whether the current or former officer complies with Section 552.024 or 552.1175;

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

(11) a current or former member of the United States Army, Navy, Air Force, Coast Guard, or Marine Corps, an auxiliary service of one of those branches of the armed forces, or the Texas military forces, as that term is defined by Section 437.001; ~~or~~

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

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

1           (14) [~~(12)~~] a current or former employee of the Texas  
2 Civil Commitment Office or of the predecessor in function of the  
3 office or a division of the office, regardless of whether the  
4 current or former employee complies with Section 552.024 or  
5 552.1175; or

6           (15) [~~(12)~~] a current or former federal judge or state  
7 judge, as those terms are defined by Section 13.0021(a), Election  
8 Code, or a spouse of a current or former federal judge or state  
9 judge[~~, or~~

10           ~~[(13) a current or former district attorney, criminal~~  
11 ~~district attorney, or county attorney whose jurisdiction includes~~  
12 ~~any criminal law or child protective services matter].~~

13           SECTION 3. 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 4. 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 member of the United States  
13 Army, Navy, Air Force, Coast Guard, or Marine Corps, an auxiliary  
14 service of one of those branches of the armed forces, or the Texas  
15 military forces, as that term is defined by Section 437.001.

16           SECTION 5. The changes in law made by this Act apply only to  
17 a request for information that is received by a governmental body or  
18 an officer on or after the effective date of this Act. A request for  
19 information that was received before the effective date of this Act  
20 is governed by the law in effect on the date the request was  
21 received, and the former law is continued in effect for that  
22 purpose.

23           SECTION 6. To the extent of any conflict, this Act prevails  
24 over another Act of the 86th Legislature, Regular Session, 2019,  
25 relating to nonsubstantive additions to and corrections in enacted  
26 codes.

27           SECTION 7. This Act takes effect September 1, 2019.