

AN ACT

relating to the availability of certain information regarding firefighters, volunteer firefighters, emergency medical services personnel, and fire safety inspectors and the certification and training for fire safety inspectors.

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

SECTION 1. Section 411.1235(a), Government Code, is amended to read as follows:

(a) A volunteer fire department or a fire department operated by an emergency services district is entitled to obtain from the department criminal history record information maintained by the department that relates to a person who:

(1) is required to be certified by the Texas Commission on Fire Protection and:

(A) ~~[(1)]~~ is an applicant for a beginning position with the fire department; or

(B) ~~[(2)]~~ currently holds a position with that fire department; or

(2) holds a position with the fire department and seeks to conduct fire safety inspections without becoming certified as a fire inspector by the Texas Commission on Fire Protection.

SECTION 2. Section 411.129(a), Government Code, is amended to read as follows:

(a) Except as provided by Subsection (b), a municipality is

entitled to obtain from the department criminal history record information maintained by the department that relates to a person who:

(1) is:

(A) ~~[(1)]~~ an applicant for employment by the municipality;

(B) ~~[(2)]~~ an employee of the municipality;

(C) ~~[(3)]~~ an applicant for employment by or an employee of a business or person that contracts with the municipality;

(D) ~~[(4)]~~ a volunteer with the municipality; or

(E) ~~[(5)]~~ an applicant for a volunteer position with the municipality; or

(2) seeks the municipality's authorization to conduct fire safety inspections without becoming certified as a fire inspector by the Texas Commission on Fire Protection.

SECTION 3. Section 419.909, Government Code, is amended by amending Subsection (a) and adding Subsections (a-1) and (a-2) to read as follows:

(a) Except as provided by Subsection (a-1), only ~~[Only]~~ an individual certified by the commission as a fire inspector may conduct a fire safety inspection required by a state or local law, rule, regulation, or ordinance. The following entities may provide training related to fire safety inspections:

(1) the commission or a training facility certified by the commission;

(2) the State Firefighters' and Fire Marshals'

Association of Texas or a training facility approved by that association;

(3) any state agency with authority over fire safety inspections; or

(4) any local agency authorized to provide the training by a state agency described by Subdivision (3).

(a-1) Subject to Subsection (a-2), for purposes of conducting a fire safety inspection under Subsection (a), an individual is not required to be certified by the commission if:

(1) the individual:

(A) has completed a course of training on fire safety inspections offered by an entity described by Subsection (a) that complies with NFPA Standard 1031: Fire Inspector I, 2014 Edition, "Standard for Professional Qualifications for Fire Inspector and Plan Examiner," as published by the National Fire Protection Association;

(B) is:

(i) a member of a volunteer fire department; or

(ii) authorized to conduct fire safety inspections by a municipality in which an emergency services district is located if the municipality has adopted a fire safety code; and

(C) has not been convicted of an offense that involves family violence, as defined by Section 71.004, Family Code, or a felony; and

(2) the inspection is conducted in:

1 (A) a county with a population of less than
2 100,000; or

3 (B) a political subdivision of this state that
4 employs fewer than five firefighters regulated by the commission.

5 (a-2) A volunteer fire department or a municipality
6 described by Subsection (a-1)(1)(B)(ii) may obtain an individual's
7 criminal history record information for use in conducting a
8 criminal history background check before authorizing the
9 individual to conduct fire safety inspections.

10 SECTION 4. Section 552.117(a), Government Code, as amended
11 by Chapters 34 (S.B. 1576), 190 (S.B. 42), and 1006 (H.B. 1278),
12 Acts of the 85th Legislature, Regular Session, 2017, is reenacted
13 and amended to read as follows:

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

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

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

25 (3) a current or former employee of the Texas
26 Department of Criminal Justice or of the predecessor in function of
27 the department or any division of the department, regardless of

whether the current or former employee complies with Section 552.1175;

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

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

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

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

(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

1 Department, or the predecessors in function of the department,
2 under Title 12, Human Resources Code, regardless of whether the
3 current or former officer complies with Section 552.024 or
4 552.1175;

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

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

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

16 (13) 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, regardless of whether the current or
20 former employee complies with Section 552.024 or 552.1175;i

21 (14) ~~(12)~~ a current or former employee of the Texas
22 Civil Commitment Office or of the predecessor in function of the
23 office or a division of the office, regardless of whether the
24 current or former employee complies with Section 552.024 or
25 552.1175;i

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

Code, or a spouse of a current or former federal judge or state judge; or

(16) a firefighter or volunteer firefighter or emergency medical services personnel as defined by Section 773.003, Health and Safety Code, regardless of whether the firefighter or volunteer firefighter or emergency medical services personnel comply with Section 552.024 or 552.1175, as applicable [~~(13) a current or former district attorney, criminal district attorney, or county attorney whose jurisdiction includes any criminal law or child protective services matter~~].

SECTION 5. The heading to Section 552.1175, Government Code, is amended to read as follows:

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

SECTION 6. Section 552.1175(a), Government Code, is amended to read as follows:

(a) This section applies only to:

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

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

(3) current or former employees of the Texas 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 firefighter or volunteer firefighter or
11 emergency medical services personnel as defined by Section 773.003,
12 Health and Safety Code.

13 SECTION 7. Subchapter C, Chapter 552, Government Code, is
14 amended by adding Section 552.159 to read as follows:

15 Sec. 552.159. EXCEPTION: CONFIDENTIALITY OF CERTAIN WORK
16 SCHEDULES. A work schedule or a time sheet of a firefighter or
17 volunteer firefighter or emergency medical services personnel as
18 defined by Section 773.003, Health and Safety Code, is confidential
19 and excepted from the requirements of Section 552.021.

20 SECTION 8. Section 25.025(a), Tax Code, as amended by
21 Chapters 34 (S.B. 1576), 41 (S.B. 256), 193 (S.B. 510), 1006 (H.B.
22 1278), and 1145 (H.B. 457), Acts of the 85th Legislature, Regular
23 Session, 2017, is reenacted and amended to read as follows:

24 (a) This section applies only to:

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

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

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

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

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

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

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

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

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

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

1 17.292, Code of Criminal Procedure; or

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

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

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

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

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

21 (12) [~~(10)~~] an officer or employee of a community
22 supervision and corrections department established under Chapter
23 76, Government Code, who performs a duty described by Section
24 76.004(b) of that code;

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

1 (14) [~~(12)~~] a police officer or inspector of the
2 United States Federal Protective Service;

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

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

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

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

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

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

24 (21) [~~(19)~~] a current or former employee of a juvenile
25 justice program or facility, as those terms are defined by Section
26 [261.405](#), Family Code; [~~and~~]

27 (22) [~~(18)~~] a current or former employee of the Texas

1 Civil Commitment Office or of the predecessor in function of the
2 office or a division of the office;

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

5 (24) a firefighter or volunteer firefighter or
6 emergency medical services personnel as defined by Section 773.003,
7 Health and Safety Code.

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

15 SECTION 10. 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 11. This Act takes effect immediately if it
20 receives a vote of two-thirds of all the members elected to each
21 house, as provided by Section 39, Article III, Texas Constitution.
22 If this Act does not receive the vote necessary for immediate
23 effect, this Act takes effect September 1, 2019.

H.B. No. 2446

President of the Senate

Speaker of the House

I certify that H.B. No. 2446 was passed by the House on May 3, 2019, by the following vote: Yeas 140, Nays 0, 2 present, not voting; and that the House concurred in Senate amendments to H.B. No. 2446 on May 24, 2019, by the following vote: Yeas 139, Nays 2, 2 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 2446 was passed by the Senate, with amendments, on May 22, 2019, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor