

AN ACT

relating to the confidentiality of personal information of certain employees and contractors of the Department of Family and Protective Services and of certain elected officials.

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

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

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

10 (17) a state officer elected statewide or a member of
11 the legislature, regardless of whether the officer or member
12 complies with Section 552.024 or 552.1175 [~~(13) a current or~~
13 ~~former district attorney, criminal district attorney, or county~~
14 ~~attorney whose jurisdiction includes any criminal law or child~~
15 ~~protective services matter].~~

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

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

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

26 (a) This section applies only to:

27 (1) peace officers as defined by Article 2.12, Code of

1 Criminal Procedure;

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

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

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

9 (5) 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 (5-a) 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 (6) officers and employees of a community supervision
18 and corrections department established under Chapter 76 who perform
19 a duty described by Section 76.004(b);

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

22 (8) police officers and inspectors of the United
23 States Federal Protective Service;

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

27 (10) current or former juvenile probation and

1 detention officers certified by the Texas Juvenile Justice
2 Department, or the predecessors in function of the department,
3 under Title 12, Human Resources Code;

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

7 (12) current or former employees of the Texas Juvenile
8 Justice Department or the predecessors in function of the
9 department;

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

12 (14) current or former employees of the Texas Civil
13 Commitment Office or of the predecessor in function of the office or
14 a division of the office;

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

22 (16) state officers elected statewide and members of
23 the legislature.

24 SECTION 4. Section 25.025(a), Tax Code, as amended by
25 Chapters 34 (S.B. 1576), 41 (S.B. 256), 193 (S.B. 510), 1006 (H.B.
26 1278), and 1145 (H.B. 457), Acts of the 85th Legislature, Regular
27 Session, 2017, is reenacted and amended to read as follows:

1 (a) This section applies only to:

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

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

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

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

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

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

17 (A) a copy of a protective order issued under
18 Chapter 85, Family Code, or a magistrate's order for emergency
19 protection issued under Article 17.292, Code of Criminal Procedure;
20 or

21 (B) other independent documentary evidence
22 necessary to show that the individual, the individual's child, or
23 another person in the individual's household is a victim of family
24 violence;

25 (7) [~~(6)~~] an individual who shows that the individual,
26 the individual's child, or another person in the individual's
27 household is a victim of sexual assault or abuse, stalking, or

1 trafficking of persons by providing:

2 (A) a copy of a protective order issued under
3 Chapter 7A or Article 6.09, Code of Criminal Procedure, or a
4 magistrate's order for emergency protection issued under Article
5 17.292, Code of Criminal Procedure; or

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

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

15 (9) [~~(8)~~] a federal judge, a state judge, or the
16 spouse of a federal judge or state judge;

17 (10) a current or former district attorney, criminal
18 district attorney, or county or municipal attorney whose
19 jurisdiction includes any criminal law or child protective services
20 matters;

21 (11) [~~(9)~~] a current or former employee of a district
22 attorney, criminal district attorney, or county or municipal
23 attorney whose jurisdiction includes any criminal law or child
24 protective services matters;

25 (12) [~~(10)~~] an officer or employee of a community
26 supervision and corrections department established under Chapter
27 76, Government Code, who performs a duty described by Section

1 76.004(b) of that code;

2 (13) [~~(11)~~] a criminal investigator of the United
3 States as described by Article 2.122(a), Code of Criminal
4 Procedure;

5 (14) [~~(12)~~] a police officer or inspector of the
6 United States Federal Protective Service;

7 (15) [~~(13)~~] a current or former United States attorney
8 or assistant United States attorney and the spouse and child of the
9 attorney;

10 (16) [~~(14)~~] a current or former employee of the office
11 of the attorney general who is or was assigned to a division of that
12 office the duties of which involve law enforcement;

13 (17) [~~(15)~~] a medical examiner or person who performs
14 forensic analysis or testing who is employed by this state or one or
15 more political subdivisions of this state;

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

21 (19) [~~(17)~~] a current or former employee of the Texas
22 Juvenile Justice Department or of the predecessors in function of
23 the department;

24 (20) [~~(18)~~] 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;

1 (21) [~~(19)~~] a current or former employee of a juvenile
2 justice program or facility, as those terms are defined by Section
3 [261.405](#), Family Code; [~~and~~]

4 (22) [~~(18)~~] a current or former employee of the Texas
5 Civil Commitment Office or of the predecessor in function of the
6 office or a division of the office;

7 (23) [~~(18)~~] a current or former employee of a federal
8 judge or state judge;

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

16 (25) a state officer elected statewide or a member of
17 the legislature.

18 SECTION 5. The changes in law made by this Act to Sections
19 [552.117](#) and [552.1175](#), Government Code, and Section [25.025](#), Tax
20 Code, apply only to a request for information that is received by a
21 governmental body or an officer for public information on or after
22 the effective date of this Act. A request for information that was
23 received before the effective date of this Act is governed by the
24 law in effect on the date the request was received, and the former
25 law is continued in effect for that purpose.

26 SECTION 6. To the extent of any conflict, this Act prevails
27 over another Act of the 86th Legislature, Regular Session, 2019,

1 relating to nonsubstantive additions to and corrections in enacted
2 codes.

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

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 1494 passed the Senate on April 11, 2019, by the following vote: Yeas 31, Nays 0; and that the Senate concurred in House amendments on May 23, 2019, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

I hereby certify that S.B. No. 1494 passed the House, with amendments, on May 16, 2019, by the following vote: Yeas 127, Nays 7, two present not voting.

Chief Clerk of the House

Approved:

Date

Governor