

1-1 By: Paxton S.B. No. 1494  
 1-2 (In the Senate - Filed March 5, 2019; March 14, 2019, read  
 1-3 first time and referred to Committee on Business & Commerce;  
 1-4 April 1, 2019, reported favorably by the following vote: Yeas 7,  
 1-5 Nays 0; April 1, 2019, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7 Hancock	X			
1-8 Nichols	X			
1-9 Campbell	X			
1-10 Creighton	X			
1-11 Menéndez			X	
1-12 Paxton	X			
1-13 Schwertner	X			
1-14 Whitmire	X			
1-15 Zaffirini			X	

1-17 A BILL TO BE ENTITLED  
 1-18 AN ACT

1-19 relating to the confidentiality of personal information of certain  
 1-20 employees and contractors of the Department of Family and  
 1-21 Protective Services.

1-22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-23 SECTION 1. Section 552.117(a), Government Code, as amended  
 1-24 by Chapters 34 (S.B. 1576), 190 (S.B. 42), and 1006 (H.B. 1278),  
 1-25 Acts of the 85th Legislature, Regular Session, 2017, is reenacted  
 1-26 and amended to read as follows:

1-27 (a) Information is excepted from the requirements of  
 1-28 Section 552.021 if it is information that relates to the home  
 1-29 address, home telephone number, emergency contact information, or  
 1-30 social security number of the following person or that reveals  
 1-31 whether the person has family members:

1-32 (1) a current or former official or employee of a  
 1-33 governmental body, except as otherwise provided by Section 552.024;

1-34 (2) a peace officer as defined by Article 2.12, Code of  
 1-35 Criminal Procedure, or a security officer commissioned under  
 1-36 Section 51.212, Education Code, regardless of whether the officer  
 1-37 complies with Section 552.024 or 552.1175, as applicable;

1-38 (3) a current or former employee of the Texas  
 1-39 Department of Criminal Justice or of the predecessor in function of  
 1-40 the department or any division of the department, regardless of  
 1-41 whether the current or former employee complies with Section  
 1-42 552.1175;

1-43 (4) a peace officer as defined by Article 2.12, Code of  
 1-44 Criminal Procedure, or other law, a reserve law enforcement  
 1-45 officer, a commissioned deputy game warden, or a corrections  
 1-46 officer in a municipal, county, or state penal institution in this  
 1-47 state who was killed in the line of duty, regardless of whether the  
 1-48 deceased complied with Section 552.024 or 552.1175;

1-49 (5) a commissioned security officer as defined by  
 1-50 Section 1702.002, Occupations Code, regardless of whether the  
 1-51 officer complies with Section 552.024 or 552.1175, as applicable;

1-52 (6) an officer or employee of a community supervision  
 1-53 and corrections department established under Chapter 76 who  
 1-54 performs a duty described by Section 76.004(b), regardless of  
 1-55 whether the officer or employee complies with Section 552.024 or  
 1-56 552.1175;

1-57 (7) a current or former employee of the office of the  
 1-58 attorney general who is or was assigned to a division of that office  
 1-59 the duties of which involve law enforcement, regardless of whether  
 1-60 the current or former employee complies with Section 552.024 or  
 1-61 552.1175;

2-1 (8) a current or former employee of the Texas Juvenile  
2-2 Justice Department or of the predecessors in function of the  
2-3 department, regardless of whether the current or former employee  
2-4 complies with Section 552.024 or 552.1175;

2-5 (9) a current or former juvenile probation or  
2-6 supervision officer certified by the Texas Juvenile Justice  
2-7 Department, or the predecessors in function of the department,  
2-8 under Title 12, Human Resources Code, regardless of whether the  
2-9 current or former officer complies with Section 552.024 or  
2-10 552.1175;

2-11 (10) a current or former employee of a juvenile  
2-12 justice program or facility, as those terms are defined by Section  
2-13 261.405, Family Code, regardless of whether the current or former  
2-14 employee complies with Section 552.024 or 552.1175;

2-15 (11) a current or former member of the Texas military  
2-16 forces, as that term is defined by Section 437.001;

2-17 (12) a current or former district attorney, criminal  
2-18 district attorney, or county or municipal attorney whose  
2-19 jurisdiction includes any criminal law or child protective services  
2-20 matters, regardless of whether the current or former attorney  
2-21 complies with Section 552.024 or 552.1175; ~~or~~

2-22 (13) a current or former employee of a district  
2-23 attorney, criminal district attorney, or county or municipal  
2-24 attorney whose jurisdiction includes any criminal law or child  
2-25 protective services matters, regardless of whether the current or  
2-26 former employee complies with Section 552.024 or 552.1175;

2-27 (14) ~~[(12)]~~ a current or former employee of the Texas  
2-28 Civil Commitment Office or of the predecessor in function of the  
2-29 office or a division of the office, regardless of whether the  
2-30 current or former employee complies with Section 552.024 or  
2-31 552.1175;

2-32 (15) ~~[(12)]~~ a current or former federal judge or state  
2-33 judge, as those terms are defined by Section 13.0021(a), Election  
2-34 Code, or a spouse of a current or former federal judge or state  
2-35 judge; or

2-36 (16) a current or former child protective services  
2-37 caseworker or investigator for the Department of Family and  
2-38 Protective Services, regardless of whether the caseworker or  
2-39 investigator complies with Section 552.024 or 552.1175, or a  
2-40 current or former employee of a department contractor performing  
2-41 child protective services caseworker or investigator functions for  
2-42 the contractor on behalf of the department ~~[(13) a current or~~  
2-43 ~~former district attorney, criminal district attorney, or county~~  
2-44 ~~attorney whose jurisdiction includes any criminal law or child~~  
2-45 ~~protective services matter].~~

2-46 SECTION 2. The heading to Section 552.1175, Government  
2-47 Code, is amended to read as follows:

2-48 Sec. 552.1175. EXCEPTION: CONFIDENTIALITY OF CERTAIN  
2-49 PERSONAL IDENTIFYING INFORMATION OF PEACE OFFICERS AND OTHER  
2-50 OFFICIALS PERFORMING SENSITIVE GOVERNMENTAL FUNCTIONS ~~[, COUNTY~~  
2-51 ~~JAILERS, SECURITY OFFICERS, EMPLOYEES OF CERTAIN STATE AGENCIES OR~~  
2-52 ~~CERTAIN CRIMINAL OR JUVENILE JUSTICE AGENCIES OR OFFICES, AND~~  
2-53 ~~FEDERAL AND STATE JUDGES].~~

2-54 SECTION 3. Section 552.1175(a), Government Code, is amended  
2-55 to read as follows:

2-56 (a) This section applies only to:

2-57 (1) peace officers as defined by Article 2.12, Code of  
2-58 Criminal Procedure;

2-59 (2) county jailers as defined by Section 1701.001,  
2-60 Occupations Code;

2-61 (3) current or former employees of the Texas  
2-62 Department of Criminal Justice or of the predecessor in function of  
2-63 the department or any division of the department;

2-64 (4) commissioned security officers as defined by  
2-65 Section 1702.002, Occupations Code;

2-66 (5) a current or former district attorney, criminal  
2-67 district attorney, or county or municipal attorney whose  
2-68 jurisdiction includes any criminal law or child protective services  
2-69 matters;

3-1 (5-a) a current or former employee of a district  
3-2 attorney, criminal district attorney, or county or municipal  
3-3 attorney whose jurisdiction includes any criminal law or child  
3-4 protective services matters;  
3-5 (6) officers and employees of a community supervision  
3-6 and corrections department established under Chapter 76 who perform  
3-7 a duty described by Section 76.004(b);  
3-8 (7) criminal investigators of the United States as  
3-9 described by Article 2.122(a), Code of Criminal Procedure;  
3-10 (8) police officers and inspectors of the United  
3-11 States Federal Protective Service;  
3-12 (9) current and former employees of the office of the  
3-13 attorney general who are or were assigned to a division of that  
3-14 office the duties of which involve law enforcement;  
3-15 (10) current or former juvenile probation and  
3-16 detention officers certified by the Texas Juvenile Justice  
3-17 Department, or the predecessors in function of the department,  
3-18 under Title 12, Human Resources Code;  
3-19 (11) current or former employees of a juvenile justice  
3-20 program or facility, as those terms are defined by Section 261.405,  
3-21 Family Code;  
3-22 (12) current or former employees of the Texas Juvenile  
3-23 Justice Department or the predecessors in function of the  
3-24 department;  
3-25 (13) federal judges and state judges as defined by  
3-26 Section 13.0021, Election Code; ~~and~~  
3-27 (14) current or former employees of the Texas Civil  
3-28 Commitment Office or of the predecessor in function of the office or  
3-29 a division of the office; and  
3-30 (15) a current or former child protective services  
3-31 caseworker or investigator for the Department of Family and  
3-32 Protective Services or a current or former employee of a department  
3-33 contractor performing child protective services caseworker or  
3-34 investigator functions for the contractor on behalf of the  
3-35 department.  
3-36 SECTION 4. Section 25.025(a), Tax Code, as amended by  
3-37 Chapters 34 (S.B. 1576), 41 (S.B. 256), 193 (S.B. 510), 1006 (H.B.  
3-38 1278), and 1145 (H.B. 457), Acts of the 85th Legislature, Regular  
3-39 Session, 2017, is reenacted and amended to read as follows:  
3-40 (a) This section applies only to:  
3-41 (1) a current or former peace officer as defined by  
3-42 Article 2.12, Code of Criminal Procedure, and the spouse or  
3-43 surviving spouse of the peace officer;  
3-44 (2) the adult child of a current peace officer as  
3-45 defined by Article 2.12, Code of Criminal Procedure;  
3-46 (3) a county jailer as defined by Section 1701.001,  
3-47 Occupations Code;  
3-48 (4) an employee of the Texas Department of Criminal  
3-49 Justice;  
3-50 (5) a commissioned security officer as defined by  
3-51 Section 1702.002, Occupations Code;  
3-52 (6) an individual who shows that the individual, the  
3-53 individual's child, or another person in the individual's household  
3-54 is a victim of family violence as defined by Section 71.004, Family  
3-55 Code, by providing:  
3-56 (A) a copy of a protective order issued under  
3-57 Chapter 85, Family Code, or a magistrate's order for emergency  
3-58 protection issued under Article 17.292, Code of Criminal Procedure;  
3-59 or  
3-60 (B) other independent documentary evidence  
3-61 necessary to show that the individual, the individual's child, or  
3-62 another person in the individual's household is a victim of family  
3-63 violence;  
3-64 (7) ~~(6)~~ an individual who shows that the individual,  
3-65 the individual's child, or another person in the individual's  
3-66 household is a victim of sexual assault or abuse, stalking, or  
3-67 trafficking of persons by providing:  
3-68 (A) a copy of a protective order issued under  
3-69 Chapter 7A or Article 6.09, Code of Criminal Procedure, or a

4-1 magistrate's order for emergency protection issued under Article  
4-2 [17.292](#), Code of Criminal Procedure; or  
4-3 (B) other independent documentary evidence  
4-4 necessary to show that the individual, the individual's child, or  
4-5 another person in the individual's household is a victim of sexual  
4-6 assault or abuse, stalking, or trafficking of persons;  
4-7 (8) [~~(7)~~] a participant in the address  
4-8 confidentiality program administered by the attorney general under  
4-9 Subchapter C, Chapter [56](#), Code of Criminal Procedure, who provides  
4-10 proof of certification under Article [56.84](#), Code of Criminal  
4-11 Procedure;  
4-12 (9) [~~(8)~~] a federal judge, a state judge, or the  
4-13 spouse of a federal judge or state judge;  
4-14 (10) a current or former district attorney, criminal  
4-15 district attorney, or county or municipal attorney whose  
4-16 jurisdiction includes any criminal law or child protective services  
4-17 matters;  
4-18 (11) [~~(9)~~] a current or former employee of a district  
4-19 attorney, criminal district attorney, or county or municipal  
4-20 attorney whose jurisdiction includes any criminal law or child  
4-21 protective services matters;  
4-22 (12) [~~(10)~~] an officer or employee of a community  
4-23 supervision and corrections department established under Chapter  
4-24 [76](#), Government Code, who performs a duty described by Section  
4-25 [76.004](#)(b) of that code;  
4-26 (13) [~~(11)~~] a criminal investigator of the United  
4-27 States as described by Article [2.122](#)(a), Code of Criminal  
4-28 Procedure;  
4-29 (14) [~~(12)~~] a police officer or inspector of the  
4-30 United States Federal Protective Service;  
4-31 (15) [~~(13)~~] a current or former United States attorney  
4-32 or assistant United States attorney and the spouse and child of the  
4-33 attorney;  
4-34 (16) [~~(14)~~] a current or former employee of the office  
4-35 of the attorney general who is or was assigned to a division of that  
4-36 office the duties of which involve law enforcement;  
4-37 (17) [~~(15)~~] a medical examiner or person who performs  
4-38 forensic analysis or testing who is employed by this state or one or  
4-39 more political subdivisions of this state;  
4-40 (18) [~~(16)~~] a current or former member of the United  
4-41 States armed forces who has served in an area that the president of  
4-42 the United States by executive order designates for purposes of 26  
4-43 U.S.C. Section 112 as an area in which armed forces of the United  
4-44 States are or have engaged in combat;  
4-45 (19) [~~(17)~~] a current or former employee of the Texas  
4-46 Juvenile Justice Department or of the predecessors in function of  
4-47 the department;  
4-48 (20) [~~(18)~~] a current or former juvenile probation or  
4-49 supervision officer certified by the Texas Juvenile Justice  
4-50 Department, or the predecessors in function of the department,  
4-51 under Title 12, Human Resources Code;  
4-52 (21) [~~(19)~~] a current or former employee of a juvenile  
4-53 justice program or facility, as those terms are defined by Section  
4-54 [261.405](#), Family Code; ~~and~~  
4-55 (22) [~~(18)~~] a current or former employee of the Texas  
4-56 Civil Commitment Office or of the predecessor in function of the  
4-57 office or a division of the office;  
4-58 (23) [~~(18)~~] a current or former employee of a federal  
4-59 judge or state judge; and  
4-60 (24) a current or former child protective services  
4-61 caseworker or investigator for the Department of Family and  
4-62 Protective Services or a current or former employee of a department  
4-63 contractor performing child protective services caseworker or  
4-64 investigator functions for the contractor on behalf of the  
4-65 department.

4-66 SECTION 5. The changes in law made by this Act to Sections  
4-67 [552.117](#) and [552.1175](#), Government Code, and Section [25.025](#), Tax  
4-68 Code, apply only to a request for information that is received by a  
4-69 governmental body or an officer for public information on or after

5-1 the effective date of this Act. A request for information that was  
5-2 received before the effective date of this Act is governed by the  
5-3 law in effect on the date the request was received, and the former  
5-4 law is continued in effect for that purpose.

5-5 SECTION 6. To the extent of any conflict, this Act prevails  
5-6 over another Act of the 86th Legislature, Regular Session, 2019,  
5-7 relating to nonsubstantive additions to and corrections in enacted  
5-8 codes.

5-9 SECTION 7. This Act takes effect immediately if it receives  
5-10 a vote of two-thirds of all the members elected to each house, as  
5-11 provided by Section 39, Article III, Texas Constitution. If this  
5-12 Act does not receive the vote necessary for immediate effect, this  
5-13 Act takes effect September 1, 2019.

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