

By: Zaffirini

S.B. No. 1965

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the availability of personal information of a current  
3 or former federal prosecutor or public defender.

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 United States attorney,  
2 assistant United States attorney, federal public defender, deputy  
3 federal public defender, or assistant federal public defender,  
4 regardless of whether the current or former attorney or public  
5 defender complies with Section 552.024 or 552.1175 [~~(13) a current~~  
6 ~~or former district attorney, criminal district attorney, or county~~  
7 ~~attorney whose jurisdiction includes any criminal law or child~~  
8 ~~protective services matter].~~

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

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

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

- 19           (a) This section applies only to:
- 20               (1) peace officers as defined by Article [2.12](#), Code of  
21 Criminal Procedure;
  - 22               (2) county jailers as defined by Section [1701.001](#),  
23 Occupations Code;
  - 24               (3) current or former employees of the Texas  
25 Department of Criminal Justice or of the predecessor in function of  
26 the department or any division of the department;
  - 27               (4) commissioned security officers as defined by

1 Section 1702.002, Occupations Code;

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

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

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

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

15 (8) police officers and inspectors of the United  
16 States Federal Protective Service;

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

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

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

27 (12) current or former employees of the Texas Juvenile

1 Justice Department or the predecessors in function of the  
2 department;

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

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

8 (15) a current or former United States attorney,  
9 assistant United States attorney, federal public defender, deputy  
10 federal public defender, or assistant federal public defender.

11 SECTION 4. Section 25.025(a), Tax Code, as amended by  
12 Chapters 34 (S.B. 1576), 41 (S.B. 256), 193 (S.B. 510), 1006 (H.B.  
13 1278), and 1145 (H.B. 457), Acts of the 85th Legislature, Regular  
14 Session, 2017, is reenacted and amended to read as follows:

15 (a) This section applies only to:

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

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

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

23 (4) an employee of the Texas Department of Criminal  
24 Justice;

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

27 (6) an individual who shows that the individual, the

1 individual's child, or another person in the individual's household  
2 is a victim of family violence as defined by Section 71.004, Family  
3 Code, by providing:

4 (A) a copy of a protective order issued under  
5 Chapter 85, Family Code, or a magistrate's order for emergency  
6 protection issued under Article 17.292, Code of Criminal Procedure;  
7 or

8 (B) other independent documentary evidence  
9 necessary to show that the individual, the individual's child, or  
10 another person in the individual's household is a victim of family  
11 violence;

12 (7) [~~(6)~~] an individual who shows that the individual,  
13 the individual's child, or another person in the individual's  
14 household is a victim of sexual assault or abuse, stalking, or  
15 trafficking of persons by providing:

16 (A) a copy of a protective order issued under  
17 Chapter 7A or Article 6.09, Code of Criminal Procedure, or a  
18 magistrate's order for emergency protection issued under Article  
19 17.292, Code of Criminal Procedure; or

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

24 (8) [~~(7)~~] a participant in the address  
25 confidentiality program administered by the attorney general under  
26 Subchapter C, Chapter 56, Code of Criminal Procedure, who provides  
27 proof of certification under Article 56.84, Code of Criminal

1 Procedure;

2           (9) [~~(8)~~] a federal judge, a state judge, or the  
3 spouse of a federal judge or state judge;

4           (10) 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           (11) [~~(9)~~] 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           (12) [~~(10)~~] an officer or employee of a community  
13 supervision and corrections department established under Chapter  
14 76, Government Code, who performs a duty described by Section  
15 76.004(b) of that code;

16           (13) [~~(11)~~] a criminal investigator of the United  
17 States as described by Article 2.122(a), Code of Criminal  
18 Procedure;

19           (14) [~~(12)~~] a police officer or inspector of the  
20 United States Federal Protective Service;

21           (15) [~~(13)~~] a current or former United States  
22 attorney, ~~or~~ assistant United States attorney, federal public  
23 defender, deputy federal public defender, or assistant federal  
24 public defender and the spouse and child of the attorney or public  
25 defender;

26           (16) [~~(14)~~] a current or former employee of the office  
27 of the attorney general who is or was assigned to a division of that



1 office the duties of which involve law enforcement;

2 (17) [~~(15)~~] a medical examiner or person who performs  
3 forensic analysis or testing who is employed by this state or one or  
4 more political subdivisions of this state;

5 (18) [~~(16)~~] a current or former member of the United  
6 States armed forces who has served in an area that the president of  
7 the United States by executive order designates for purposes of 26  
8 U.S.C. Section 112 as an area in which armed forces of the United  
9 States are or have engaged in combat;

10 (19) [~~(17)~~] a current or former employee of the Texas  
11 Juvenile Justice Department or of the predecessors in function of  
12 the department;

13 (20) [~~(18)~~] a current or former juvenile probation or  
14 supervision officer certified by the Texas Juvenile Justice  
15 Department, or the predecessors in function of the department,  
16 under Title 12, Human Resources Code;

17 (21) [~~(19)~~] a current or former employee of a juvenile  
18 justice program or facility, as those terms are defined by Section  
19 [261.405](#), Family Code; ~~and~~

20 (22) [~~(18)~~] 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; and

23 (23) [~~(18)~~] a current or former employee of a federal  
24 judge or state judge.

25 SECTION 5. The changes in law made by this Act to Sections  
26 [552.117](#) and [552.1175](#), Government Code, and Section [25.025](#), Tax  
27 Code, apply only to a request for information that is received by a

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

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

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