

BILL ANALYSIS

Senate Research Center

S.B. 841
By: Hughes
State Affairs
6/4/2021
Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The proliferation of personal information publicly available on the Internet undermines efforts to protect honorably retired peace officers and their families. Current law protects active peace officers from the public disclosure of certain personal information (e.g, home addresses and phone numbers), but this protection does not extend to honorably retired peace officers. This oversight leaves a gap that thwarts the purpose of protecting peace officers and their families. Information that was not available to the public while the officer was active becomes available when that officer retires, making them accessible to those they have cited or arrested, or those who generally seek to do officers harm. In this way, retired officers are vulnerable to the same threats that active duty officers face when it comes to criminal danger and the accessibility of personal information.

In the interest of protecting honorably retired peace officers and their families from criminals, drug cartels, prison gangs, and others who may wish to do those officers harm, the personal information of retired peace officers should not be accessible to the general public, just as it is not available for active officers. S.B. 841 seeks to mend this oversight in current law by prohibiting the disclosure of certain personal information of honorably retired peace officers. This bill only protects "honorably retired" peace officers, meaning that peace officers who retired in lieu of disciplinary action do not qualify. Given the fact that this bill merely furthers the same purpose proliferated under current law (i.e, protecting peace officers and their families from the dangers of the job), this legislation is expected to garner support from police unions and is unlikely to be opposed.

S.B. 841 amends current law relating to the availability of personal information of individuals who are honorably retired from certain law enforcement positions.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 552.003, Government Code, by adding Subdivision (1-b) to define "honorably retired" for Chapter 552 (Public Information).

SECTION 2. Reenacts Section 552.117(a), Government Code, as reenacted and amended by Chapters 367 (H.B. 1351), 633 (S.B. 1494), 1146 (H.B. 2910), 1213 (S.B. 662), and 1245 (H.B. 2446), Acts of the 86th Legislature, Regular Session, 2019, and amends it, as follows:

- (a) Provides that information is excepted from the requirements of Section 552.021 (Availability of Public Information) if it is information that relates to the home address, home telephone number, emergency contact information, or social security number of certain persons or that reveals whether the person has family members, including a current or honorably retired peace officer as defined by Article 2.12 (Who Are Peace Officers), Code of Criminal Procedure, or a current or honorably retired security officer commissioned under Section 51.212 (Peace Officers at Private Institutions), Education Code, regardless of whether the officer complies with Section 552.024 (Electing to

Disclose Address and Telephone Number) or 552.1175 (Exception: Confidentiality of Certain Personal Identifying Information of Peace Officers and Other Officials Performing Sensitive Governmental Functions), as applicable. Makes nonsubstantive changes.

SECTION 3. Reenacts Section 552.1175(a), Government Code, as amended by Chapters 367 (H.B. 1351), 633 (S.B. 1494), 1146 (H.B. 2910), 1213 (S.B. 662), and 1245 (H.B. 2446), Acts of the 86th Legislature, Regular Session, 2019, and amends it, as follows:

(a) Provides that Section 552.1175 applies only to certain individuals, including current or honorably retired peace officers as defined by Article 2.12, Code of Criminal Procedure, or special investigators as described by Article 2.122 (Special Investigators), Code of Criminal Procedure; current or honorably retired county jailers as defined by Section 1701.001 (Definitions), Occupations Code; and current or honorably retired police officers and inspectors of the United States Federal Protective Service. Makes nonsubstantive changes.

SECTION 4. Reenacts Section 25.025(a), Tax Code, as amended by Chapters 467 (H.B. 4170), 469 (H.B. 4173), 633 (S.B. 1494), 1213 (S.B. 662), and 1245 (H.B. 2446), Acts of the 86th Legislature, Regular Session, 2019, and amends it, as follows:

(a) Provides that Section 25.025 (Confidentiality of Certain Home Address Information) applies only to certain individuals, including a current or honorably retired county jailer as defined by Section 1701.001, Occupations Code, and a current or honorably retired police officer or inspector of the United States Federal Protective Service. Makes nonsubstantive changes.

SECTION 5. Amends Section 25.025(a-1), Tax Code, by adding Subdivision (1-a) to define "honorably retired" in Section 25.025.

SECTION 6. Makes application of Sections 552.117 and 552.1175, Government Code, as amended by this Act, and Section 25.025, Tax Code, as amended by this Act, prospective.

SECTION 7. Provides that to the extent of any conflict, this Act prevails over another Act of the 87th Legislature, Regular Session, 2021, relating to nonsubstantive additions to and corrections in enacted codes.

SECTION 8. Effective date: upon passage or September 1, 2021.