

BILL ANALYSIS

Senate Research Center

S.B. 1134
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State Affairs
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Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The proliferation of personal information publicly available on the Internet leaves federal marshals, United States attorneys, and their families susceptible to criminal retaliation. Current law protects federal and state judges from the public disclosure of certain personal information (e.g., home addresses and phone numbers), but this protection does not extend to federal marshals, United States attorneys, their families, or the families of state and federal judges. This is problematic because when it comes to criminal danger and the accessibility of personal information, these public servants are just as susceptible to threats as federal and state judges. Each of the aforementioned categories require close interaction with criminals such that criminal vengeance or misguided anger at the justice system could detrimentally impact the safety of those who have merely taken a vow to uphold the law, as well as their families.

In the interest of protecting these public servants and their families from criminals, drug cartels, prison gangs, and others who may wish to do them harm, the personal information of federal marshals, United States attorneys, their families, and the families of state and federal judges should not be accessible to the general public, just as it is not available for state and federal judges. S.B. 1134 seeks to mend this oversight in current law by prohibiting the disclosure of certain personal information for these public servants. This legislation is expected to garner support from the family members of federal agents, United States attorneys, state judges, and federal judges, as well as interest groups that represent prosecutors and law enforcement officers. Given the fact that this bill merely furthers the same purpose as current law (i.e., protecting public servants from the dangers of the job), it is unlikely to be opposed.

S.B. 1134 amends current law relating to address confidentiality on certain documents for certain federal officials and family members of certain federal officials or federal or state court judges.

RULEMAKING AUTHORITY

Rulemaking authority previously granted to the Department of Public Safety of the State of Texas is modified in SECTION 7 (Section 411.179, Government Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 13.0021, Election Code, as follows:

Sec. 13.0021. New heading: ADDITIONAL REGISTRATION INFORMATION FROM CERTAIN FEDERAL AND STATE JUDGES, FEDERAL OFFICIALS, AND FAMILY MEMBERS. (a) Defines "family member."

(b) Requires the voter registrar of the county, if the voter registration applicant is a certain judge or federal official, including a federal bankruptcy judge, a marshal of the United States Marshals Service, a United States attorney, or a family member, rather than the spouse, of a certain judge or federal official, including a federal bankruptcy judge, a marshal of the United States Marshals Service, or a United States attorney, to omit the applicant's residence address from the registration list.

SECTION 2. Reenacts Section 13.004(c), Election Code, as amended by Chapters 469 (H.B. 4173), 489 (H.B. 3100), and 1146 (H.B. 2910), Acts of the 86th Legislature, Regular Session, 2019, and amends it, as follows:

(c) Provides that the following information furnished on a voter registration application is confidential and does not constitute public information for purposes of Chapter 552 (Public Information), Government Code:

(1)-(4) makes no changes to these subdivisions;

(5) the residence address of the applicant, if the applicant is a certain judge or federal official, including a federal bankruptcy judge, a marshal of the United States Marshals Service, a United States attorney, or a family member, rather than the spouse, of a certain judge or federal official, including a federal bankruptcy judge, a marshal of the United States Marshals Service, a United States attorney, or an individual to whom Section 552.1175 (Exception: Confidentiality of Certain Personal Identifying Information of Peace Officers and Other Officials Performing Sensitive Governmental Functions), Government Code, or Section 521.1211 (Driver's License for Peace Officer), Transportation Code, applies and the applicant:

(A) included an affidavit with the registration application describing the applicant's status under this subdivision, if the applicant is a certain judge or federal official, including a federal bankruptcy judge, a marshal of the United States Marshals Service, a United States attorney, or a family member, rather than the spouse, of a certain judge or federal official, including a federal bankruptcy judge, a marshal of the United States Marshals Service, a United States attorney, or a state judge;

(B) provided the registrar with an affidavit describing the applicant's status under this subdivision, if the applicant is a certain judge or federal official, including a federal bankruptcy judge, a marshal of the United States Marshals Service, a United States attorney, or a family member, rather than the spouse, of a certain judge or federal official, including a federal bankruptcy judge, a marshal of the United States Marshals Service, a United States attorney; or

(C) makes no changes to this paragraph; or

(6)-(9) makes no changes to these subdivisions.

SECTION 3. Amends Section 13.004, Election Code, by adding Subsection (f) to define "family member" in Section 13.004 (Recording and Disclosure of Certain Information by Registrar).

SECTION 4. Amends the heading to Section 15.0215, Election Code, to read as follows:

Sec. 15.0215. OMISSION OF ADDRESS FOR FEDERAL OR STATE JUDGE, FEDERAL OFFICIAL, AND FAMILY MEMBER.

SECTION 5. Amends Section 15.0215, Election Code, by adding Subsection (a) and amending Subsection (b), as follows:

(a) Defines "family member."

(b) Requires the voter registrar of the county in which the judge resides, on receiving notice from the Office of Court Administration of the Texas Judicial System (OCA) of the person's qualification for office as a certain judge or federal official, including a federal bankruptcy judge, a marshal of the United States Marshals Service, a United States attorney, and of the names of the judge's or federal official's family members, rather than spouse, if applicable, to conduct certain actions, including omitting from the

registration list the residence address of the judge or official and any family members of the judge or official.

SECTION 6. Amends Section 254.0313, Election Code, as follows:

Sec. 254.0313. New heading: OMISSION OF ADDRESS FOR JUDGE AND FAMILY MEMBER. (a) Defines "family member." Deletes existing text defining "federal judge" and "state judge."

(b) Requires the Texas Ethics Commission (TEC), on receiving notice from OCA of a judge's qualification for office or on receipt of a written request from certain judges, including a federal bankruptcy judge, or a family member of certain judges, including a federal bankruptcy judge, to remove or redact the residence address of certain judges, including a federal bankruptcy judge, or the family member of certain judges, including a federal bankruptcy judge, from any report filed by the judge in the judge's capacity or made available on the Internet under Chapter 254 (Political Reporting).

SECTION 7. Amends Section 411.179, Government Code, by amending Subsections (a) and (d) and adding Subsection (f), as follows:

(a) Requires that a license to carry a handgun include certain information, including the license holder's residence address or, as provided by Subsection (d), the street address of the courthouse in which the license holder or license holder's spouse or parent serves as a federal judge or the license holder serves as a state judge.

(d) Requires the Department of Public Safety of the State of Texas (DPS), in adopting the form of the license under Subsection (a), to establish a procedure for the license of certain judges and federal officials, including a federal bankruptcy judge, a marshal of the United States Marshals Service, a United States attorney, or a family member, rather than the spouse, of certain federal judges or federal officials, including a federal bankruptcy judge, a marshal of the United States Marshals Service, a United States attorney, to omit the license holder's residence address and to include, in lieu of that address, the street address of the courthouse in which the license holder or license holder's spouse or parent serves as a certain judge or federal official, including a federal bankruptcy judge, a marshal of the United States Marshals Service, or a United States attorney. Requires DPS, in establishing the procedure, to require sufficient documentary evidence to establish the license holder's status as a certain judge or federal official, including a federal bankruptcy judge, a marshal of the United States Marshals Service, a United States attorney, or a family member of a certain judge or federal official, including a federal bankruptcy judge, a marshal of the United States Marshals Service, or a United States attorney.

(f) Defines "family member" in Section 411.179 (Form of License).

SECTION 8. 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 those persons have family members, including a current or former federal judge or state judge, as those terms are defined by Section 1.005 (Definitions), Election Code, a federal bankruptcy judge, a marshal of the United States Marshals Service, a United States attorney, or a family member of a current or former federal judge, including a federal bankruptcy judge, a marshal of the United States Marshals Service, a United States attorney, or a state judge. Makes nonsubstantive changes.

SECTION 9. Amends Section 552.117, Government Code, by adding Subsection (c), to define "family member" in Section 552.117 (Exception: Confidentiality of Certain Addresses, Telephone Numbers, Social Security Numbers, and Personal Family Information).

SECTION 10. Amends Section 572.035, Government Code, as follows:

Sec. 572.035. New heading: REMOVAL OF PERSONAL INFORMATION FOR FEDERAL JUDGES, STATE JUDGES, AND FAMILY MEMBERS. (a) Creates this subsection from existing text. Requires TEC, on receiving notice from OCA of the judge's qualification for the judge's office, to remove or redact from any financial statement, or information derived from a financial statement, that is available to the public the residence address of certain judges, including a federal bankruptcy judge, or a family member, rather than spouse, of certain judges, including a federal bankruptcy judge.

(b) Defines "family member."

SECTION 11. Amends Section 145.007, Local Government Code, by amending Subsection (d) and adding Subsection (e), as follows:

(d) Requires the clerk or secretary of a municipality, on the written request of a municipal court judge of the municipality or a candidate for municipal court judge, to remove or redact the residence address of certain individuals, including of the municipal court judge's family member, rather than spouse, from a financial statement filed under Chapter 145 (Financial Disclosure by and Standards of Conduct for Local Government Officers) before the financial statement is made available to a member of the public. .

(e) Defines "family member" in Section 145.007 (Public Access to Statements).

SECTION 12. Amends Section 159.071, Local Government Code, as follows:

Sec. 159.071. OMISSION OF ADDRESS. (a) Defines "family member." Redefines "state judge." Makes a nonsubstantive change.

(b) Requires a county clerk, on receiving notice from OCA of certain attorneys or judges and their spouses or family members, including a family member of a state judge, to remove or redact the residence address of the attorney or spouse or family member of the attorney or judge from any report filed under Chapter 159 (Financial Disclosure by County Officers and Employees) by the attorney or judge before the statement is made available to a member of the public.

SECTION 13. Amends Section 11.008(j), Property Code, as follows:

(j) Requires a county clerk, on receipt of a written request from certain judges and federal officials and their family members, including a federal bankruptcy judge, a marshal of the United States Marshals Service, a United States attorney, and a family member of a judge, marshal, or attorney, to omit or redact from an instrument described by Section 11.008 (Personal Information in Real Property Records) that is available in an online database made public by the county clerk, or by a provider with which the county commissioners court contracts to provide the online database, social security number, driver's license number, and residence address of the judge, marshal, or attorney, or family member of the judge, marshal, or attorney.

SECTION 14. Reenacts Section 25.025(a), Tax Code, as reenacted and 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 current and former entities, federal officials, and employees of the State of Texas, and their certain family members, including a federal bankruptcy judge, a

marshal of the United States Marshals Service, or a family member of a federal bankruptcy judge, or a marshal of the United States Marshals Service. Makes nonsubstantive changes.

SECTION 15. Amends Section 25.025(a-1), Tax Code, to define "family member." Makes nonsubstantive changes.

SECTION 16. Amends Section 521.054, Transportation Code, by amending Subsection (a) and adding Subsection (e), as follows:

(a) Provides that Section 521.054 (Notice of Change of Address or Name) applies to certain persons, including a person who has used the procedure under Section 521.121(c) and whose status as a certain judge or federal official, including a federal bankruptcy judge, a marshal of the United States Marshals Service, a United States attorney, or a family member of a certain judge or federal official, including a federal bankruptcy judge, a marshal of the United States Marshals Service, or a United States attorney becomes inapplicable.

(e) Defines "family member."

SECTION 17. Amends Section 521.121, Transportation Code, by amending Subsections (a) and (c) and adding Subsection (f), as follows:

(a) Requires that the driver's license include certain information, including the license holder's residence address or, for a license holder using the procedure under Subsection (c), the street address of the courthouse in which the license holder or license holder's spouse or parent serves as a certain judge or federal official, including a federal bankruptcy judge, a marshal of the United States Marshals Service, or a United States attorney.

(c) Requires DPS to establish a procedure, on a license holder's qualification for or appointment to office as a federal or state judge as defined by Section 1.005 (Definitions), rather than by Section 13.0021, Election Code, or as a federal bankruptcy judge, a marshal of the United States Marshals Service, or a United States attorney, to omit the residence address of the judge or official and any family member of the judge or official on the license holder's license and to include, in lieu of that address, the street address of the courthouse or office building in which the license holder or license holder's spouse or parent serves as a federal or state judge or official.

(f) Defines "family member" in Section 521.121 (General Information on Driver's License).

SECTION 18. Amends Section 521.142, Transportation Code, by amending Subsection (c) and adding Subsection (j), as follows:

(c) Requires that the application for an original license state certain information, including the residence address of the applicant, or if the applicant is a federal judge, including a federal bankruptcy judge, a marshal of the United States Marshals Service, a United States attorney, or a state judge, or a family member of a federal judge, including a federal bankruptcy judge, a marshal of the United States Marshals Service, a United States attorney, or a state judge using the procedure developed under Section 521.121(c), the street address of the courthouse or office building in which the applicant or the applicant's spouse or parent serves as a federal judge, including a federal bankruptcy judge, a marshal of the United States Marshals Service, a United States attorney, or a state judge.

(j) Defines "family member" in Section 521.142 (Application for Original License).

SECTION 19. Effective date: September 1, 2021.