

By: Schaefer

H.B. No. 1440

A BILL TO BE ENTITLED

AN ACT

relating to the availability of personal information of individuals who are honorably retired from certain law enforcement positions.

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

SECTION 1. Section 552.003, Government Code, is amended by adding Subdivision (1-b) to read as follows:

(1-b) "Honorably retired" means, with respect to a position, an individual who:

(A) previously served but is not currently serving in the position;

(B) did not retire in lieu of any disciplinary action;

(C) was eligible to retire from the position or was ineligible to retire only as a result of an injury received in the course of the individual's employment in the position; and

(D) is eligible to receive a pension or annuity for service in the position or is ineligible to receive a pension or annuity only because the entity that employed the individual does not offer a pension or annuity to its employees.

SECTION 2. 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, is reenacted and amended to read as follows:

1 (a) Information is excepted from the requirements of
2 Section 552.021 if it is information that relates to the home
3 address, home telephone number, emergency contact information, or
4 social security number of the following person or that reveals
5 whether the person has family members:

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

8 (2) a current or honorably retired peace officer as
9 defined by Article 2.12, Code of Criminal Procedure, or a current or
10 honorably retired security officer commissioned under Section
11 51.212, Education Code, regardless of whether the officer complies
12 with Section 552.024 or 552.1175, as applicable;

13 (3) a current or former employee of the Texas
14 Department of Criminal Justice or of the predecessor in function of
15 the department or any division of the department, regardless of
16 whether the current or former employee complies with Section
17 552.1175;

18 (4) a peace officer as defined by Article 2.12, Code of
19 Criminal Procedure, or other law, a reserve law enforcement
20 officer, a commissioned deputy game warden, or a corrections
21 officer in a municipal, county, or state penal institution in this
22 state who was killed in the line of duty, regardless of whether the
23 deceased complied with Section 552.024 or 552.1175;

24 (5) a commissioned security officer as defined by
25 Section 1702.002, Occupations Code, regardless of whether the
26 officer complies with Section 552.024 or 552.1175, as applicable;

27 (6) an officer or employee of a community supervision

1 and corrections department established under Chapter 76 who
2 performs a duty described by Section 76.004(b), regardless of
3 whether the officer or employee complies with Section 552.024 or
4 552.1175;

5 (7) a current or former employee of the office of the
6 attorney general who is or was assigned to a division of that office
7 the duties of which involve law enforcement, regardless of whether
8 the current or former employee complies with Section 552.024 or
9 552.1175;

10 (8) a current or former employee of the Texas Juvenile
11 Justice Department or of the predecessors in function of the
12 department, regardless of whether the current or former employee
13 complies with Section 552.024 or 552.1175;

14 (9) a current or former juvenile probation or
15 supervision officer certified by the Texas Juvenile Justice
16 Department, or the predecessors in function of the department,
17 under Title 12, Human Resources Code, regardless of whether the
18 current or former officer complies with Section 552.024 or
19 552.1175;

20 (10) a current or former employee of a juvenile
21 justice program or facility, as those terms are defined by Section
22 261.405, Family Code, regardless of whether the current or former
23 employee complies with Section 552.024 or 552.1175;

24 (11) a current or former member of the United States
25 Army, Navy, Air Force, Coast Guard, or Marine Corps, an auxiliary
26 service of one of those branches of the armed forces, or the Texas
27 military forces, as that term is defined by Section 437.001;

1 (12) a current or former district attorney, criminal
2 district attorney, or county or municipal attorney whose
3 jurisdiction includes any criminal law or child protective services
4 matters, regardless of whether the current or former attorney
5 complies with Section 552.024 or 552.1175;

6 (13) 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, regardless of whether the current or
10 former employee complies with Section 552.024 or 552.1175;

11 (14) a current or former employee of the Texas Civil
12 Commitment Office or of the predecessor in function of the office or
13 a division of the office, regardless of whether the current or
14 former employee complies with Section 552.024 or 552.1175; [~~or~~]

15 (15) a current or former federal judge or state judge,
16 as those terms are defined by Section 1.005, Election Code, or a
17 spouse of a current or former federal judge or state judge;

18 (16) a current or former child protective services
19 caseworker, adult protective services caseworker, or investigator
20 for the Department of Family and Protective Services, regardless of
21 whether the caseworker or investigator complies with Section
22 552.024 or 552.1175, or a current or former employee of a department
23 contractor performing child protective services caseworker, adult
24 protective services caseworker, or investigator functions for the
25 contractor on behalf of the department; [~~or~~]

26 (17) [~~(16)~~] a state officer elected statewide or a
27 member of the legislature, regardless of whether the officer or

1 member complies with Section 552.024 or 552.1175;

2 (18) [~~16~~] a current or former United States attorney
3 or assistant United States attorney and the spouse or child of the
4 attorney; or

5 (19) [~~16~~] a firefighter or volunteer firefighter or
6 emergency medical services personnel as defined by Section 773.003,
7 Health and Safety Code, regardless of whether the firefighter or
8 volunteer firefighter or emergency medical services personnel
9 comply with Section 552.024 or 552.1175, as applicable.

10 SECTION 3. Section 552.1175(a), Government Code, as amended
11 by Chapters 367 (H.B. 1351), 633 (S.B. 1494), 1146 (H.B. 2910), 1213
12 (S.B. 662), and 1245 (H.B. 2446), Acts of the 86th Legislature,
13 Regular Session, 2019, is reenacted and amended to read as follows:

14 (a) This section applies only to:

15 (1) current or honorably retired peace officers as
16 defined by Article 2.12, Code of Criminal Procedure, or special
17 investigators as described by Article 2.122, Code of Criminal
18 Procedure;

19 (2) current or honorably retired county jailers as
20 defined by Section 1701.001, Occupations Code;

21 (3) current or former employees of the Texas
22 Department of Criminal Justice or of the predecessor in function of
23 the department or any division of the department;

24 (4) commissioned security officers as defined by
25 Section 1702.002, Occupations Code;

26 (5) a current or former district attorney, criminal
27 district attorney, or county or municipal attorney whose

1 jurisdiction includes any criminal law or child protective services
2 matters;

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

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

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

12 (8) current or honorably retired police officers and
13 inspectors of the United States Federal Protective Service;

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

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

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

24 (12) current or former employees of the Texas Juvenile
25 Justice Department or the predecessors in function of the
26 department;

27 (13) federal judges and state judges as defined by

1 Section 1.005, Election Code;

2 (14) current or former employees of the Texas Civil
3 Commitment Office or of the predecessor in function of the office or
4 a division of the office; ~~and~~

5 (15) a current or former member of the United States
6 Army, Navy, Air Force, Coast Guard, or Marine Corps, an auxiliary
7 service of one of those branches of the armed forces, or the Texas
8 military forces, as that term is defined by Section 437.001;

9 (16) ~~(15)~~ a current or former child protective
10 services caseworker, adult protective services caseworker, or
11 investigator for the Department of Family and Protective Services
12 or a current or former employee of a department contractor
13 performing child protective services caseworker, adult protective
14 services caseworker, or investigator functions for the contractor
15 on behalf of the department; ~~and~~

16 (17) ~~(15)~~ state officers elected statewide and
17 members of the legislature; and

18 (18) ~~(15)~~ a firefighter or volunteer firefighter or
19 emergency medical services personnel as defined by Section 773.003,
20 Health and Safety Code.

21 SECTION 4. Section 25.025(a), Tax Code, as amended by
22 Chapters 467 (H.B. 4170), 469 (H.B. 4173), 633 (S.B. 1494), 1213
23 (S.B. 662), and 1245 (H.B. 2446), Acts of the 86th Legislature,
24 Regular Session, 2019, is reenacted and amended to read as follows:

25 (a) This section applies only to:

26 (1) a current or former peace officer as defined by
27 Article 2.12, Code of Criminal Procedure, and the spouse or

1 surviving spouse of the peace officer;

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

4 (3) a current or honorably retired county jailer as
5 defined by Section 1701.001, Occupations Code;

6 (4) an employee of the Texas Department of Criminal
7 Justice;

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

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

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

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

22 (7) an individual who shows that the individual, the
23 individual's child, or another person in the individual's household
24 is a victim of sexual assault or abuse, stalking, or trafficking of
25 persons by providing:

26 (A) a copy of a protective order issued under
27 Subchapter A or B, Chapter 7B, Code of Criminal Procedure, or a

1 magistrate's order for emergency protection issued under Article
2 [17.292](#), Code of Criminal Procedure; or

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

7 (8) a participant in the address confidentiality
8 program administered by the attorney general under Subchapter B,
9 Chapter [58](#), Code of Criminal Procedure, who provides proof of
10 certification under Article [58.059](#), Code of Criminal Procedure;

11 (9) a federal judge, a state judge, or the spouse of a
12 federal judge or state judge;

13 (10) a current or former district attorney, criminal
14 district attorney, or county or municipal attorney whose
15 jurisdiction includes any criminal law or child protective services
16 matters;

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

21 (12) an officer or employee of a community supervision
22 and corrections department established under Chapter [76](#),
23 Government Code, who performs a duty described by Section [76.004](#)(b)
24 of that code;

25 (13) a criminal investigator of the United States as
26 described by Article [2.122](#)(a), Code of Criminal Procedure;

27 (14) a current or honorably retired police officer or

1 inspector of the United States Federal Protective Service;

2 (15) a current or former United States attorney or
3 assistant United States attorney and the spouse and child of the
4 attorney;

5 (16) a current or former employee of the office of the
6 attorney general who is or was assigned to a division of that office
7 the duties of which involve law enforcement;

8 (17) a medical examiner or person who performs
9 forensic analysis or testing who is employed by this state or one or
10 more political subdivisions of this state;

11 (18) a current or former member of the United States
12 armed forces who has served in an area that the president of the
13 United States by executive order designates for purposes of 26
14 U.S.C. Section 112 as an area in which armed forces of the United
15 States are or have engaged in combat;

16 (19) a current or former employee of the Texas
17 Juvenile Justice Department or of the predecessors in function of
18 the department;

19 (20) a current or former juvenile probation or
20 supervision officer certified by the Texas Juvenile Justice
21 Department, or the predecessors in function of the department,
22 under Title 12, Human Resources Code;

23 (21) a current or former employee of a juvenile
24 justice program or facility, as those terms are defined by Section
25 [261.405](#), Family Code;

26 (22) a current or former employee of the Texas Civil
27 Commitment Office or the predecessor in function of the office or a

1 division of the office; ~~and~~

2 (23) a current or former employee of a federal judge or
3 state judge;

4 (24) a current or former child protective services
5 caseworker, adult protective services caseworker, or investigator
6 for the Department of Family and Protective Services or a current or
7 former employee of a department contractor performing child
8 protective services caseworker, adult protective services
9 caseworker, or investigator functions for the contractor on behalf
10 of the department; ~~and~~

11 (25) ~~(24)~~ a state officer elected statewide or a
12 member of the legislature; and

13 (26) ~~(24)~~ a firefighter or volunteer firefighter or
14 emergency medical services personnel as defined by Section 773.003,
15 Health and Safety Code.

16 SECTION 5. Section 25.025(a-1), Tax Code, is amended by
17 adding Subdivision (1-a) to read as follows:

18 (1-a) "Honorably retired" means, with respect to a
19 position, an individual who:

20 (A) previously served but is not currently
21 serving in the position;

22 (B) did not retire in lieu of any disciplinary
23 action;

24 (C) was eligible to retire from the position or
25 was ineligible to retire only as a result of an injury received in
26 the course of the individual's employment in the position; and

27 (D) is eligible to receive a pension or annuity

1 for service in the position or is ineligible to receive a pension or
2 annuity only because the entity that employed the individual does
3 not offer a pension or annuity to its employees.

4 SECTION 6. The changes in law made by this Act to Sections
5 552.117 and 552.1175, Government Code, and Section 25.025, Tax
6 Code, apply only to a request for information that is received by a
7 governmental body or an officer on or after the effective date of
8 this Act. A request for information that was received before the
9 effective date of this Act is governed by the law in effect on the
10 date the request was received, and the former law is continued in
11 effect for that purpose.

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

16 SECTION 8. This Act takes effect immediately if it receives
17 a vote of two-thirds of all the members elected to each house, as
18 provided by Section 39, Article III, Texas Constitution. If this
19 Act does not receive the vote necessary for immediate effect, this
20 Act takes effect September 1, 2021.