

By: Zaffirini

S.B. No. 56

A BILL TO BE ENTITLED

AN ACT

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

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

SECTION 1. 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:

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

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

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

(3) a current or former employee of the Texas Department of Criminal Justice or of the predecessor in function of the department or any division of the department, regardless of whether the current or former employee complies with Section

1 552.1175;

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

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

11 (6) an officer or employee of a community supervision
12 and corrections department established under Chapter 76 who
13 performs a duty described by Section 76.004(b), regardless of
14 whether the officer or employee complies with Section 552.024 or
15 552.1175;

16 (7) a current or former employee of the office of the
17 attorney general who is or was assigned to a division of that office
18 the duties of which involve law enforcement, regardless of whether
19 the current or former employee complies with Section 552.024 or
20 552.1175;

21 (8) a current or former employee of the Texas Juvenile
22 Justice Department or of the predecessors in function of the
23 department, regardless of whether the current or former employee
24 complies with Section 552.024 or 552.1175;

25 (9) a current or former juvenile probation or
26 supervision officer certified by the Texas Juvenile Justice
27 Department, or the predecessors in function of the department,

1 under Title 12, Human Resources Code, regardless of whether the
2 current or former officer complies with Section 552.024 or
3 552.1175;

4 (10) a current or former employee of a juvenile
5 justice program or facility, as those terms are defined by Section
6 261.405, Family Code, regardless of whether the current or former
7 employee complies with Section 552.024 or 552.1175;

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

12 (12) a current or former district attorney, criminal
13 district attorney, or county or municipal attorney whose
14 jurisdiction includes any criminal law or child protective services
15 matters, regardless of whether the current or former attorney
16 complies with Section 552.024 or 552.1175;

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

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

26 (15) a current or former federal judge or state judge,
27 as those terms are defined by Section 1.005, Election Code, or a

1 spouse of a current or former federal judge or state judge;

2 (16) a current or former child protective services
3 caseworker, adult protective services caseworker, or investigator
4 for the Department of Family and Protective Services, regardless of
5 whether the caseworker or investigator complies with Section
6 552.024 or 552.1175, or a current or former employee of a department
7 contractor performing child protective services caseworker, adult
8 protective services caseworker, or investigator functions for the
9 contractor on behalf of the department; ~~or~~

10 (17) ~~[(16)]~~ a state officer elected statewide or a
11 member of the legislature, regardless of whether the officer or
12 member complies with Section 552.024 or 552.1175;

13 (18) ~~[(16)]~~ a current or former United States
14 attorney, ~~or~~ assistant United States attorney, federal public
15 defender, deputy federal public defender, or assistant federal
16 public defender and the spouse or child of the current or former
17 attorney or public defender, regardless of whether the person
18 complies with Section 552.024 or 552.1175; or

19 (19) ~~[(16)]~~ a firefighter or volunteer firefighter or
20 emergency medical services personnel as defined by Section 773.003,
21 Health and Safety Code, regardless of whether the firefighter or
22 volunteer firefighter or emergency medical services personnel
23 comply with Section 552.024 or 552.1175, as applicable.

24 SECTION 2. Section 552.1175(a), Government Code, as amended
25 by Chapters 367 (H.B. 1351), 633 (S.B. 1494), 1146 (H.B. 2910), 1213
26 (S.B. 662), and 1245 (H.B. 2446), Acts of the 86th Legislature,
27 Regular Session, 2019, is reenacted and amended to read as follows:

1 (a) This section applies only to:

2 (1) peace officers as defined by Article 2.12, Code of
3 Criminal Procedure, or special investigators as described by
4 Article 2.122, Code of Criminal Procedure;

5 (2) county jailers as defined by Section 1701.001,
6 Occupations Code;

7 (3) current or former employees of the Texas
8 Department of Criminal Justice or of the predecessor in function of
9 the department or any division of the department;

10 (4) commissioned security officers as defined by
11 Section 1702.002, Occupations Code;

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

16 (5-a) a current or former employee of a district
17 attorney, criminal district attorney, or county or municipal
18 attorney whose jurisdiction includes any criminal law or child
19 protective services matters;

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

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

25 (8) police officers and inspectors of the United
26 States Federal Protective Service;

27 (9) current and former employees of the office of the

1 attorney general who are or were assigned to a division of that
2 office the duties of which involve law enforcement;

3 (10) current or former juvenile probation and
4 detention officers certified by the Texas Juvenile Justice
5 Department, or the predecessors in function of the department,
6 under Title 12, Human Resources Code;

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

10 (12) current or former employees of the Texas Juvenile
11 Justice Department or the predecessors in function of the
12 department;

13 (13) federal judges and state judges as defined by
14 Section 1.005, Election Code;

15 (14) current or former employees of the Texas Civil
16 Commitment Office or of the predecessor in function of the office or
17 a division of the office; ~~and~~

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

22 (16) [~~(15)~~] a current or former child protective
23 services caseworker, adult protective services caseworker, or
24 investigator for the Department of Family and Protective Services
25 or a current or former employee of a department contractor
26 performing child protective services caseworker, adult protective
27 services caseworker, or investigator functions for the contractor

1 on behalf of the department; ~~and~~

2 (17) ~~[(15)]~~ state officers elected statewide and
3 members of the legislature;

4 (18) ~~[(15)]~~ a firefighter or volunteer firefighter or
5 emergency medical services personnel as defined by Section 773.003,
6 Health and Safety Code; and

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

10 SECTION 3. Section 25.025(a), Tax Code, as amended by
11 Chapters 467 (H.B. 4170), 469 (H.B. 4173), 633 (S.B. 1494), 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) a current or former peace officer as defined by
16 Article 2.12, Code of Criminal Procedure, and the spouse or
17 surviving spouse of the peace officer;

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

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

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

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

26 (6) an individual who shows that the individual, the
27 individual's child, or another person in the individual's household

1 is a victim of family violence as defined by Section 71.004, Family
2 Code, by providing:

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

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

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

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

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

23 (8) a participant in the address confidentiality
24 program administered by the attorney general under Subchapter B,
25 Chapter 58, Code of Criminal Procedure, who provides proof of
26 certification under Article 58.059, Code of Criminal Procedure;

27 (9) a federal judge, a state judge, or the spouse of a

1 federal judge or state judge;

2 (10) 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 (11) 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 (12) an officer or employee of a community supervision
11 and corrections department established under Chapter 76,
12 Government Code, who performs a duty described by Section 76.004(b)
13 of that code;

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

16 (14) a police officer or inspector of the United
17 States Federal Protective Service;

18 (15) a current or former United States attorney, ~~or~~
19 assistant United States attorney, federal public defender, deputy
20 federal public defender, or assistant federal public defender and
21 the spouse and child of the attorney or public defender;

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

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

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

6 (19) a current or former employee of the Texas
7 Juvenile Justice Department or of the predecessors in function of
8 the department;

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

13 (21) a current or former employee of a juvenile
14 justice program or facility, as those terms are defined by Section
15 [261.405](#), Family Code;

16 (22) a current or former employee of the Texas Civil
17 Commitment Office or the predecessor in function of the office or a
18 division of the office; ~~and~~

19 (23) a current or former employee of a federal judge or
20 state judge;

21 (24) a current or former child protective services
22 caseworker, adult protective services caseworker, or investigator
23 for the Department of Family and Protective Services or a current or
24 former employee of a department contractor performing child
25 protective services caseworker, adult protective services
26 caseworker, or investigator functions for the contractor on behalf
27 of the department; ~~and~~

1 (25) [~~(24)~~] a state officer elected statewide or a
2 member of the legislature; and

3 (26) [~~(24)~~] a firefighter or volunteer firefighter or
4 emergency medical services personnel as defined by Section 773.003,
5 Health and Safety Code.

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

14 SECTION 5. To the extent of any conflict, this Act prevails
15 over another Act of the 87th Legislature, Regular Session, 2021,
16 relating to nonsubstantive additions to and corrections in enacted
17 codes.

18 SECTION 6. This Act takes effect immediately if it receives
19 a vote of two-thirds of all the members elected to each house, as
20 provided by Section 39, Article III, Texas Constitution. If this
21 Act does not receive the vote necessary for immediate effect, this
22 Act takes effect September 1, 2021.