

By: Hinojosa

S.B. No. 948

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the availability of personal information of individuals
3 who are current or former employees of the Texas Alcoholic Beverage
4 Commission.

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

6 SECTION 1. Section 552.117(a), Government Code, as
7 reenacted and amended by Chapters 367 (H.B. 1351), 633 (S.B. 1494),
8 1146 (H.B. 2910), 1213 (S.B. 662), and 1245 (H.B. 2446), Acts of the
9 86th Legislature, Regular Session, 2019, is reenacted and amended
10 to read as follows:

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

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

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

22 (3) a current or former employee of the Texas
23 Department of Criminal Justice or of the predecessor in function of
24 the department or any division of the department, regardless of

1 whether the current or former employee complies with Section
2 [552.1175](#);

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

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

12 (6) an officer or employee of a community supervision
13 and corrections department established under Chapter 76 who
14 performs a duty described by Section 76.004(b), regardless of
15 whether the officer or employee complies with Section [552.024](#) or
16 [552.1175](#);

17 (7) a current or former employee of the office of the
18 attorney general who is or was assigned to a division of that office
19 the duties of which involve law enforcement, regardless of whether
20 the current or former employee complies with Section [552.024](#) or
21 [552.1175](#);

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

26 (9) a current or former juvenile probation or
27 supervision officer certified by the Texas Juvenile Justice

1 Department, or the predecessors in function of the department,
2 under Title 12, Human Resources Code, regardless of whether the
3 current or former officer complies with Section 552.024 or
4 552.1175;

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

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

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

18 (13) a current or former employee of a district
19 attorney, criminal district attorney, or county or municipal
20 attorney whose jurisdiction includes any criminal law or child
21 protective services matters, regardless of whether the current or
22 former employee complies with Section 552.024 or 552.1175;

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

27 (15) a current or former federal judge or state judge,

1 as those terms are defined by Section 1.005, Election Code, or a
2 spouse of a current or former federal judge or state judge;

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

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

14 (18) ~~[(16)]~~ a current or former United States attorney
15 or assistant United States attorney and the spouse or child of the
16 attorney;i

17 (19) ~~[(16)]~~ a firefighter or volunteer firefighter or
18 emergency medical services personnel as defined by Section 773.003,
19 Health and Safety Code, regardless of whether the firefighter or
20 volunteer firefighter or emergency medical services personnel
21 comply with Section 552.024 or 552.1175, as applicable; or

22 (20) a current or former employee of the Texas
23 Alcoholic Beverage Commission.

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 employee of the Texas
8 Alcoholic Beverage Commission.

9 SECTION 3. Section 25.025(a), Tax Code, as amended by
10 Chapters 467 (H.B. 4170), 469 (H.B. 4173), 633 (S.B. 1494), 1213
11 (S.B. 662), and 1245 (H.B. 2446), Acts of the 86th Legislature,
12 Regular Session, 2019, is reenacted and amended to read as follows:

13 (a) This section applies only to:

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

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

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

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

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

25 (6) an individual who shows that the individual, the
26 individual's child, or another person in the individual's household
27 is a victim of family violence as defined by Section 71.004, Family

1 Code, by providing:

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

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

10 (7) 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 sexual assault or abuse, stalking, or trafficking of
13 persons by providing:

14 (A) a copy of a protective order issued under
15 Subchapter A or B, Chapter 7B, Code of Criminal Procedure, or a
16 magistrate's order for emergency protection issued under Article
17 17.292, Code of Criminal Procedure; 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 sexual
21 assault or abuse, stalking, or trafficking of persons;

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

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

1 (10) 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;

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

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

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

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

17 (15) a current or former United States attorney or
18 assistant United States attorney and the spouse and child of the
19 attorney;

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

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

26 (18) a current or former member of the United States
27 armed forces who has served in an area that the president of the

1 United States by executive order designates for purposes of 26
2 U.S.C. Section 112 as an area in which armed forces of the United
3 States are or have engaged in combat;

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

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

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

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

17 (23) a current or former employee of a federal judge or
18 state judge;

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

26 (25) ~~(24)~~ a state officer elected statewide or a
27 member of the legislature;

1 (26) [~~24~~] a firefighter or volunteer firefighter or
2 emergency medical services personnel as defined by Section 773.003,
3 Health and Safety Code; and

4 (27) a current or former employee of the Texas
5 Alcoholic Beverage Commission.

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.