

BILL ANALYSIS

C.S.H.B. 1765
By: Burns
State Affairs
Committee Report (Substituted)

BACKGROUND AND PURPOSE

State public information law provides an exception to required disclosure for the personal information of certain persons. However, documents filed with a county or district clerk are exempt from these confidentiality protections. C.S.H.B. 1765 seeks to provide those whose personal information is otherwise protected the opportunity to request a county or district clerk to redact the protected information from the electronic image of any document the clerk posts online and requiring the clerk to do so if the clerk has the ability.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 1765 amends the Government Code to require a district or county clerk, on request of an individual whose personal information is excepted from required disclosure under state public information law, to redact that personal information from the electronic image of a document posted by the clerk on a website that relates to the requesting individual if the clerk has the ability to electronically redact the electronic image of the information from the posted document. The bill requires a clerk that redacts such an electronic image to include a statement on the website advising members of the public that one or more documents posted on the website have been redacted as required by state law.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2023.

COMPARISON OF INTRODUCED AND SUBSTITUTE

While C.S.H.B. 1765 may differ from the introduced in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute includes specifications absent from the introduced that the required redaction of information from a posted document applies only with respect to redacting the information from an electronic image of a posted document.

The substitute includes provisions absent from the introduced requiring the applicable clerk who redacts an electronic image under the bill's provisions to post a statement online advising the public that one or more documents posted on the website have been redacted.