

BILL ANALYSIS

C.S.S.B. 1367
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State Affairs
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Under current law, sensitive information for prominent members of the justice system is kept confidential. However, no similar protections are afforded to those who work for these prominent individuals--courthouse employees and employees of the Office of Court Administration of the Texas Judicial System. C.S.S.B. 1367 seeks to provide these valued employees the confidentiality protections they deserve.

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.S.B. 1367 amends the Election Code to require the voter registrar of a county to omit from the registration list the residence address for a registration applicant who is:

- an employee whose duties are performed on behalf of the administration of a court, including a court clerk, court coordinator, court administrator, law clerk, or staff attorney;
- a current or former employee of the Office of Court Administration of the Texas Judicial System (OCA) and entities administratively attached to OCA; or
- a family member of any such person.

C.S.S.B. 1367 amends the Tax Code to extend confidentiality protections of certain home address information in local property tax appraisal records to:

- a current or former employee whose duties are performed on behalf of a court's administration, including a court clerk, court coordinator, court administrator, law clerk, or staff attorney; and
- a current or former employee of OCA and entities administratively attached to OCA.

C.S.S.B. 1367 amends the Government Code to make the exception to required disclosure under state public information law for certain personal identifying information of peace officers and other officials performing sensitive governmental functions applicable also to a current or former employee whose duties are performed on behalf of a court's administration, including a court clerk, court coordinator, court administrator, law clerk, or staff attorney, and to a current or former employee of OCA and entities administratively attached to OCA. The bill also extends to such a person the applicability of the exception to required disclosure under state public information law for certain home address, home telephone number, emergency contact social

security number, and personal family information, regardless of whether the employee complies with provisions providing for the ability to opt in to such confidentiality protections. The bill requires a county clerk or district clerk, on request of a person to whom either of these exceptions to required disclosure apply, to redact the applicable information that relates to the person from any document the clerk posts on a website.

C.S.S.B. 1367 revises the provision requiring the administrative director of OCA to develop a procedure to regularly notify county voter registrars, the Department of Public Safety (DPS), the Texas Ethics Commission, and any other state agency OCA determines should be notified of the judges', judges' spouses, and related family members whose personal information must be kept from public records as provided by applicable state law to do the following:

- include local government agencies among the entities OCA must notify under the notification procedure;
- include employees of OCA and entities administratively attached to OCA among the persons regarding whom notification is provided; and
- include among those applicable state laws the confidentiality protections of certain home address information in local property tax appraisal records.

C.S.S.B. 1367 amends the Transportation Code to include the holder of a driver's license whose duties are performed on behalf of a court's administration, including a court clerk, court coordinator, court administrator, law clerk, or staff attorney, or as an employee of OCA and entities administratively attached to OCA among the persons who must be afforded the opportunity by DPS to omit their residence address from their driver's license, as well as any family member of the employee, and to print instead on the license the street address of the courthouse or office building in which the license holder or their spouse or parent serves. The bill establishes that the residence address of a license holder whose residence address is omitted is confidential and is available only for the official use of DPS or a law enforcement agency. The bill requires DPS, not later than November 1, 2024, to:

- review its processes for implementation of and compliance with these provisions; and
- submit to the governor, the lieutenant governor, the speaker of the house of representatives, each member of the legislature, and the Texas Judicial Council a written report containing the results of the review, a description of the methods used to prepare the review, and any recommendations for legislative or other action.

C.S.S.B. 1367 applies only to a request for information that is received by a governmental body or an officer on or after the bill's effective date. A request for information that was received before that date is governed by the law in effect on the date the request was received, and the former law is continued in effect for that purpose.

EFFECTIVE DATE

September 1, 2023.

COMPARISON OF SENATE ENGROSSED AND SUBSTITUTE

While C.S.S.B. 1367 may differ from the engrossed in minor or nonsubstantive ways, the following summarizes the substantial differences between the engrossed and committee substitute versions of the bill.

Whereas the engrossed extended various confidentiality protections for residence address information on a voter registration list to a full-time employee of a county whose duties are performed at the county courthouse, including a court clerk, of OCA, or of the Texas Indigent Defense Commission, the substitute extends the same confidentiality protections instead to an employee whose duties are performed on behalf of the administration of a court, including a court clerk, court coordinator, court administrator, law clerk, or staff attorney and to a current or former employee of OCA and entities administratively attached to OCA.

Similarly, whereas the engrossed extended confidentiality protections under state public information law to a full-time employee of a county whose duties are performed at the county courthouse, including a court clerk, of OCA, or of the Texas Indigent Defense Commission, the substitute extends the same confidentiality protections instead to a current or former employee whose duties are performed on behalf of the administration of a court, including a court clerk, court coordinator, court administrator, law clerk, or staff attorney and to a current or former employee of OCA and entities administratively attached to OCA. Moreover, the substitute includes language not in the engrossed clarifying that these confidentiality protections apply regardless of whether the employee complies with applicable state law providing for the ability to opt in to the protections. Finally, the substitute includes a requirement absent from the engrossed for a county clerk or district clerk, on request of a person to whom the confidentiality protections apply, to redact applicable information that relates to the person from any document the clerk posts on a website.

Whereas the engrossed extended confidentiality protections for certain information in local appraisal records to a full-time employee of a county whose duties are performed at the county courthouse, including a court clerk, of OCA, or of the Texas Indigent Defense Commission, the substitute extends the same confidentiality protections instead to a current or former employee whose duties are performed on behalf of the administration of a court, including a court clerk, court coordinator, court administrator, law clerk, or staff attorney and to a current or former employee of OCA and entities administratively attached to OCA.

Whereas the engrossed extended the option to omit a residence address on a driver's license and instead print on the license the street address of an applicable courthouse or office building to a license holder who is employed as a full-time county employee whose duties are performed at the county courthouse, including a court clerk, or as a full-time employee of OCA or of the Texas Indigent Defense Commission, the substitute extends this option instead to a license holder whose duties are performed on behalf of the administration of a court, including a court clerk, court coordinator, court administrator, law clerk, or staff attorney, or as an employee of OCA and entities administratively attached to OCA.

The substitute includes a provision absent from the engrossed regarding the administrative director of OCA and the notification procedure for judicial privacy.