

By: Hinojosa

S.B. No. 1431

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the confidentiality of certain information for a
3 current or former administrative law judge for the State Office of
4 Administrative Hearings.

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

6 SECTION 1. Section 552.117(a), Government Code, is amended
7 to read as follows:

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

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

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

20 (3) a current or former employee of the Texas
21 Department of Criminal Justice or of the predecessor in function of
22 the department or any division of the department, regardless of
23 whether the current or former employee complies with Section
24 552.1175;

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

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

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

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

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

24 (9) a current or former juvenile probation or
25 supervision officer certified by the Texas Juvenile Justice
26 Department, or the predecessors in function of the department,
27 under Title 12, Human Resources Code, regardless of whether the

1 current or former officer complies with Section 552.024 or
2 552.1175;

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

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

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

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

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

25 (15) a current or former federal judge or state judge,
26 as those terms are defined by Section 1.005, Election Code, a
27 federal bankruptcy judge, a marshal of the United States Marshals

1 Service, a United States attorney, or a family member of a current
2 or former federal judge, including a federal bankruptcy judge, a
3 marshal of the United States Marshals Service, a United States
4 attorney, or a state judge;

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

13 (17) an elected public officer, regardless of whether
14 the officer complies with Section 552.024 or 552.1175;

15 (18) a current or former United States attorney,
16 assistant United States attorney, federal public defender, deputy
17 federal public defender, or assistant federal public defender and
18 the spouse or child of the current or former attorney or public
19 defender, regardless of whether the person complies with Section
20 552.024 or 552.1175; ~~or~~

21 (19) a firefighter or volunteer firefighter or
22 emergency medical services personnel as defined by Section 773.003,
23 Health and Safety Code, regardless of whether the firefighter or
24 volunteer firefighter or emergency medical services personnel
25 comply with Section 552.024 or 552.1175, as applicable; or

26 (20) a current or former administrative law judge for
27 the State Office of Administrative Hearings, regardless of whether

1 the person complies with Section 552.024 or 552.1175.

2 SECTION 2. Section 552.1175(a), Government Code, is amended
3 to read as follows:

4 (a) This section applies only to:

5 (1) current or honorably retired peace officers as
6 defined by Article 2.12, Code of Criminal Procedure, or special
7 investigators as described by Article 2.122, Code of Criminal
8 Procedure;

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

11 (3) current or former employees of the Texas
12 Department of Criminal Justice or of the predecessor in function of
13 the department or any division of the department;

14 (4) commissioned security officers as defined by
15 Section 1702.002, Occupations Code;

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

20 (5-a) a current or former employee of a district
21 attorney, criminal district attorney, or county or municipal
22 attorney whose jurisdiction includes any criminal law or child
23 protective services matters;

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

27 (7) criminal investigators of the United States as

1 described by Article [2.122\(a\)](#), Code of Criminal Procedure;

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

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

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

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

14 (12) current or former employees of the Texas Juvenile
15 Justice Department or the predecessors in function of the
16 department;

17 (13) federal judges and state judges as defined by
18 Section [1.005](#), Election Code;

19 (14) current or former employees of the Texas Civil
20 Commitment Office or of the predecessor in function of the office or
21 a division of the office;

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

26 (16) a current or former child protective services
27 caseworker, adult protective services caseworker, or investigator

1 for the Department of Family and Protective Services or a current or
2 former employee of a department contractor performing child
3 protective services caseworker, adult protective services
4 caseworker, or investigator functions for the contractor on behalf
5 of the department;

6 (17) an elected public officer;

7 (18) a firefighter or volunteer firefighter or
8 emergency medical services personnel as defined by Section 773.003,
9 Health and Safety Code; ~~and~~

10 (19) a current or former United States attorney,
11 assistant United States attorney, federal public defender, deputy
12 federal public defender, or assistant federal public defender; and

13 (20) a current or former administrative law judge for
14 the State Office of Administrative Hearings.

15 SECTION 3. Section 25.025(a), Tax Code, is amended to read
16 as follows:

17 (a) This section applies only to:

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

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

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

25 (4) an employee of the Texas Department of Criminal
26 Justice;

27 (5) a commissioned security officer as defined by

1 Section 1702.002, Occupations Code;

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

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

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

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

18 (A) a copy of a protective order issued under
19 Subchapter A or B, Chapter 7B, Code of Criminal Procedure, or a
20 magistrate's order for emergency protection issued under Article
21 17.292, Code of Criminal Procedure; or

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

26 (8) a participant in the address confidentiality
27 program administered by the attorney general under Subchapter B,

1 Chapter 58, Code of Criminal Procedure, who provides proof of
2 certification under Article 58.059, Code of Criminal Procedure;

3 (9) a federal judge, a federal bankruptcy judge, a
4 marshal of the United States Marshals Service, a state judge, or a
5 family member of a federal judge, a federal bankruptcy judge, a
6 marshal of the United States Marshals Service, or a state judge;

7 (10) a current or former district attorney, criminal
8 district attorney, or county or municipal attorney whose
9 jurisdiction includes any criminal law or child protective services
10 matters;

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

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

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

21 (14) a current or honorably retired police officer or
22 inspector of the United States Federal Protective Service;

23 (15) a current or former United States attorney,
24 assistant United States attorney, federal public defender, deputy
25 federal public defender, or assistant federal public defender and
26 the spouse and child of the attorney or public defender;

27 (16) a current or former employee of the office of the

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

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

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

11 (19) a current or former employee of the Texas
12 Juvenile Justice Department or of the predecessors in function of
13 the department;

14 (20) 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;

18 (21) a current or former employee of a juvenile
19 justice program or facility, as those terms are defined by Section
20 [261.405](#), Family Code;

21 (22) a current or former employee of the Texas Civil
22 Commitment Office or the predecessor in function of the office or a
23 division of the office;

24 (23) a current or former employee of a federal judge or
25 state judge;

26 (24) a current or former child protective services
27 caseworker, adult protective services caseworker, or investigator

1 for the Department of Family and Protective Services or a current or
2 former employee of a department contractor performing child
3 protective services caseworker, adult protective services
4 caseworker, or investigator functions for the contractor on behalf
5 of the department;

6 (25) an elected public officer; [~~and~~]

7 (26) a firefighter or volunteer firefighter or
8 emergency medical services personnel as defined by Section 773.003,
9 Health and Safety Code; and

10 (27) a current or former administrative law judge for
11 the State Office of Administrative Hearings.

12 SECTION 4. The changes in law made by this Act apply only to
13 a request for information that is received by a governmental body or
14 an officer on or after the effective date of this Act. A request for
15 information that was received before the effective date of this Act
16 is governed by the law in effect on the date the request was
17 received, and the former law is continued in effect for that
18 purpose.

19 SECTION 5. This Act takes effect September 1, 2023.