

1-1 By: Hinojosa S.B. No. 1431
 1-2 (In the Senate - Filed March 2, 2023; March 16, 2023, read
 1-3 first time and referred to Committee on Business & Commerce;
 1-4 April 17, 2023, reported favorably by the following vote: Yeas 10,
 1-5 Nays 0; April 17, 2023, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9			X	
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			
1-17	X			
1-18	X			

1-19 A BILL TO BE ENTITLED
 1-20 AN ACT

1-21 relating to the confidentiality of certain information for a
 1-22 current or former administrative law judge for the State Office of
 1-23 Administrative Hearings.

1-24 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-25 SECTION 1. Section 552.117(a), Government Code, is amended
 1-26 to read as follows:

1-27 (a) Information is excepted from the requirements of
 1-28 Section 552.021 if it is information that relates to the home
 1-29 address, home telephone number, emergency contact information, or
 1-30 social security number of the following person or that reveals
 1-31 whether the person has family members:

1-32 (1) a current or former official or employee of a
 1-33 governmental body, except as otherwise provided by Section 552.024;

1-34 (2) a current or honorably retired peace officer as
 1-35 defined by Article 2.12, Code of Criminal Procedure, or a current or
 1-36 honorably retired security officer commissioned under Section
 1-37 51.212, Education Code, regardless of whether the officer complies
 1-38 with Section 552.024 or 552.1175, as applicable;

1-39 (3) a current or former employee of the Texas
 1-40 Department of Criminal Justice or of the predecessor in function of
 1-41 the department or any division of the department, regardless of
 1-42 whether the current or former employee complies with Section
 1-43 552.1175;

1-44 (4) a peace officer as defined by Article 2.12, Code of
 1-45 Criminal Procedure, or other law, a reserve law enforcement
 1-46 officer, a commissioned deputy game warden, or a corrections
 1-47 officer in a municipal, county, or state penal institution in this
 1-48 state who was killed in the line of duty, regardless of whether the
 1-49 deceased complied with Section 552.024 or 552.1175;

1-50 (5) a commissioned security officer as defined by
 1-51 Section 1702.002, Occupations Code, regardless of whether the
 1-52 officer complies with Section 552.024 or 552.1175, as applicable;

1-53 (6) an officer or employee of a community supervision
 1-54 and corrections department established under Chapter 76 who
 1-55 performs a duty described by Section 76.004(b), regardless of
 1-56 whether the officer or employee complies with Section 552.024 or
 1-57 552.1175;

1-58 (7) a current or former employee of the office of the
 1-59 attorney general who is or was assigned to a division of that office
 1-60 the duties of which involve law enforcement, regardless of whether
 1-61 the current or former employee complies with Section 552.024 or

2-1 552.1175;

2-2 (8) a current or former employee of the Texas Juvenile
2-3 Justice Department or of the predecessors in function of the
2-4 department, regardless of whether the current or former employee
2-5 complies with Section 552.024 or 552.1175;

2-6 (9) a current or former juvenile probation or
2-7 supervision officer certified by the Texas Juvenile Justice
2-8 Department, or the predecessors in function of the department,
2-9 under Title 12, Human Resources Code, regardless of whether the
2-10 current or former officer complies with Section 552.024 or
2-11 552.1175;

2-12 (10) a current or former employee of a juvenile
2-13 justice program or facility, as those terms are defined by Section
2-14 261.405, Family Code, regardless of whether the current or former
2-15 employee complies with Section 552.024 or 552.1175;

2-16 (11) a current or former member of the United States
2-17 Army, Navy, Air Force, Coast Guard, or Marine Corps, an auxiliary
2-18 service of one of those branches of the armed forces, or the Texas
2-19 military forces, as that term is defined by Section 437.001;

2-20 (12) a current or former district attorney, criminal
2-21 district attorney, or county or municipal attorney whose
2-22 jurisdiction includes any criminal law or child protective services
2-23 matters, regardless of whether the current or former attorney
2-24 complies with Section 552.024 or 552.1175;

2-25 (13) a current or former employee of a district
2-26 attorney, criminal district attorney, or county or municipal
2-27 attorney whose jurisdiction includes any criminal law or child
2-28 protective services matters, regardless of whether the current or
2-29 former employee complies with Section 552.024 or 552.1175;

2-30 (14) a current or former employee of the Texas Civil
2-31 Commitment Office or of the predecessor in function of the office or
2-32 a division of the office, regardless of whether the current or
2-33 former employee complies with Section 552.024 or 552.1175;

2-34 (15) a current or former federal judge or state judge,
2-35 as those terms are defined by Section 1.005, Election Code, a
2-36 federal bankruptcy judge, a marshal of the United States Marshals
2-37 Service, a United States attorney, or a family member of a current
2-38 or former federal judge, including a federal bankruptcy judge, a
2-39 marshal of the United States Marshals Service, a United States
2-40 attorney, or a state judge;

2-41 (16) a current or former child protective services
2-42 caseworker, adult protective services caseworker, or investigator
2-43 for the Department of Family and Protective Services, regardless of
2-44 whether the caseworker or investigator complies with Section
2-45 552.024 or 552.1175, or a current or former employee of a department
2-46 contractor performing child protective services caseworker, adult
2-47 protective services caseworker, or investigator functions for the
2-48 contractor on behalf of the department;

2-49 (17) an elected public officer, regardless of whether
2-50 the officer complies with Section 552.024 or 552.1175;

2-51 (18) a current or former United States attorney,
2-52 assistant United States attorney, federal public defender, deputy
2-53 federal public defender, or assistant federal public defender and
2-54 the spouse or child of the current or former attorney or public
2-55 defender, regardless of whether the person complies with Section
2-56 552.024 or 552.1175; ~~or~~

2-57 (19) a firefighter or volunteer firefighter or
2-58 emergency medical services personnel as defined by Section 773.003,
2-59 Health and Safety Code, regardless of whether the firefighter or
2-60 volunteer firefighter or emergency medical services personnel
2-61 comply with Section 552.024 or 552.1175, as applicable; or

2-62 (20) a current or former administrative law judge for
2-63 the State Office of Administrative Hearings, regardless of whether
2-64 the person complies with Section 552.024 or 552.1175.

2-65 SECTION 2. Section 552.1175(a), Government Code, is amended
2-66 to read as follows:

2-67 (a) This section applies only to:

2-68 (1) current or honorably retired peace officers as
2-69 defined by Article 2.12, Code of Criminal Procedure, or special

- 3-1 investigators as described by Article 2.122, Code of Criminal
- 3-2 Procedure;
- 3-3 (2) current or honorably retired county jailers as
- 3-4 defined by Section 1701.001, Occupations Code;
- 3-5 (3) current or former employees of the Texas
- 3-6 Department of Criminal Justice or of the predecessor in function of
- 3-7 the department or any division of the department;
- 3-8 (4) commissioned security officers as defined by
- 3-9 Section 1702.002, Occupations Code;
- 3-10 (5) a current or former district attorney, criminal
- 3-11 district attorney, or county or municipal attorney whose
- 3-12 jurisdiction includes any criminal law or child protective services
- 3-13 matters;
- 3-14 (5-a) a current or former employee of a district
- 3-15 attorney, criminal district attorney, or county or municipal
- 3-16 attorney whose jurisdiction includes any criminal law or child
- 3-17 protective services matters;
- 3-18 (6) officers and employees of a community supervision
- 3-19 and corrections department established under Chapter 76 who perform
- 3-20 a duty described by Section 76.004(b);
- 3-21 (7) criminal investigators of the United States as
- 3-22 described by Article 2.122(a), Code of Criminal Procedure;
- 3-23 (8) current or honorably retired police officers and
- 3-24 inspectors of the United States Federal Protective Service;
- 3-25 (9) current and former employees of the office of the
- 3-26 attorney general who are or were assigned to a division of that
- 3-27 office the duties of which involve law enforcement;
- 3-28 (10) current or former juvenile probation and
- 3-29 detention officers certified by the Texas Juvenile Justice
- 3-30 Department, or the predecessors in function of the department,
- 3-31 under Title 12, Human Resources Code;
- 3-32 (11) current or former employees of a juvenile justice
- 3-33 program or facility, as those terms are defined by Section 261.405,
- 3-34 Family Code;
- 3-35 (12) current or former employees of the Texas Juvenile
- 3-36 Justice Department or the predecessors in function of the
- 3-37 department;
- 3-38 (13) federal judges and state judges as defined by
- 3-39 Section 1.005, Election Code;
- 3-40 (14) current or former employees of the Texas Civil
- 3-41 Commitment Office or of the predecessor in function of the office or
- 3-42 a division of the office;
- 3-43 (15) a current or former member of the United States
- 3-44 Army, Navy, Air Force, Coast Guard, or Marine Corps, an auxiliary
- 3-45 service of one of those branches of the armed forces, or the Texas
- 3-46 military forces, as that term is defined by Section 437.001;
- 3-47 (16) a current or former child protective services
- 3-48 caseworker, adult protective services caseworker, or investigator
- 3-49 for the Department of Family and Protective Services or a current or
- 3-50 former employee of a department contractor performing child
- 3-51 protective services caseworker, adult protective services
- 3-52 caseworker, or investigator functions for the contractor on behalf
- 3-53 of the department;
- 3-54 (17) an elected public officer;
- 3-55 (18) a firefighter or volunteer firefighter or
- 3-56 emergency medical services personnel as defined by Section 773.003,
- 3-57 Health and Safety Code; ~~and~~
- 3-58 (19) a current or former United States attorney,
- 3-59 assistant United States attorney, federal public defender, deputy
- 3-60 federal public defender, or assistant federal public defender; and
- 3-61 (20) a current or former administrative law judge for
- 3-62 the State Office of Administrative Hearings.

3-63 SECTION 3. Section 25.025(a), Tax Code, is amended to read
3-64 as follows:

- 3-65 (a) This section applies only to:
- 3-66 (1) a current or former peace officer as defined by
- 3-67 Article 2.12, Code of Criminal Procedure, and the spouse or
- 3-68 surviving spouse of the peace officer;
- 3-69 (2) the adult child of a current peace officer as

4-1 defined by Article 2.12, Code of Criminal Procedure;
 4-2 (3) a current or honorably retired county jailer as
 4-3 defined by Section 1701.001, Occupations Code;
 4-4 (4) an employee of the Texas Department of Criminal
 4-5 Justice;
 4-6 (5) a commissioned security officer as defined by
 4-7 Section 1702.002, Occupations Code;
 4-8 (6) an individual who shows that the individual, the
 4-9 individual's child, or another person in the individual's household
 4-10 is a victim of family violence as defined by Section 71.004, Family
 4-11 Code, by providing:
 4-12 (A) a copy of a protective order issued under
 4-13 Chapter 85, Family Code, or a magistrate's order for emergency
 4-14 protection issued under Article 17.292, Code of Criminal Procedure;
 4-15 or
 4-16 (B) other independent documentary evidence
 4-17 necessary to show that the individual, the individual's child, or
 4-18 another person in the individual's household is a victim of family
 4-19 violence;
 4-20 (7) an individual who shows that the individual, the
 4-21 individual's child, or another person in the individual's household
 4-22 is a victim of sexual assault or abuse, stalking, or trafficking of
 4-23 persons by providing:
 4-24 (A) a copy of a protective order issued under
 4-25 Subchapter A or B, Chapter 7B, Code of Criminal Procedure, or a
 4-26 magistrate's order for emergency protection issued under Article
 4-27 17.292, Code of Criminal Procedure; or
 4-28 (B) other independent documentary evidence
 4-29 necessary to show that the individual, the individual's child, or
 4-30 another person in the individual's household is a victim of sexual
 4-31 assault or abuse, stalking, or trafficking of persons;
 4-32 (8) a participant in the address confidentiality
 4-33 program administered by the attorney general under Subchapter B,
 4-34 Chapter 58, Code of Criminal Procedure, who provides proof of
 4-35 certification under Article 58.059, Code of Criminal Procedure;
 4-36 (9) a federal judge, a federal bankruptcy judge, a
 4-37 marshal of the United States Marshals Service, a state judge, or a
 4-38 family member of a federal judge, a federal bankruptcy judge, a
 4-39 marshal of the United States Marshals Service, or a state judge;
 4-40 (10) a current or former district attorney, criminal
 4-41 district attorney, or county or municipal attorney whose
 4-42 jurisdiction includes any criminal law or child protective services
 4-43 matters;
 4-44 (11) a current or former employee of a district
 4-45 attorney, criminal district attorney, or county or municipal
 4-46 attorney whose jurisdiction includes any criminal law or child
 4-47 protective services matters;
 4-48 (12) an officer or employee of a community supervision
 4-49 and corrections department established under Chapter 76,
 4-50 Government Code, who performs a duty described by Section 76.004(b)
 4-51 of that code;
 4-52 (13) a criminal investigator of the United States as
 4-53 described by Article 2.122(a), Code of Criminal Procedure;
 4-54 (14) a current or honorably retired police officer or
 4-55 inspector of the United States Federal Protective Service;
 4-56 (15) a current or former United States attorney,
 4-57 assistant United States attorney, federal public defender, deputy
 4-58 federal public defender, or assistant federal public defender and
 4-59 the spouse and child of the attorney or public defender;
 4-60 (16) a current or former employee of the office of the
 4-61 attorney general who is or was assigned to a division of that office
 4-62 the duties of which involve law enforcement;
 4-63 (17) a medical examiner or person who performs
 4-64 forensic analysis or testing who is employed by this state or one or
 4-65 more political subdivisions of this state;
 4-66 (18) a current or former member of the United States
 4-67 armed forces who has served in an area that the president of the
 4-68 United States by executive order designates for purposes of 26
 4-69 U.S.C. Section 112 as an area in which armed forces of the United

5-1 States are or have engaged in combat;
5-2 (19) a current or former employee of the Texas
5-3 Juvenile Justice Department or of the predecessors in function of
5-4 the department;
5-5 (20) a current or former juvenile probation or
5-6 supervision officer certified by the Texas Juvenile Justice
5-7 Department, or the predecessors in function of the department,
5-8 under Title 12, Human Resources Code;
5-9 (21) a current or former employee of a juvenile
5-10 justice program or facility, as those terms are defined by Section
5-11 261.405, Family Code;
5-12 (22) a current or former employee of the Texas Civil
5-13 Commitment Office or the predecessor in function of the office or a
5-14 division of the office;
5-15 (23) a current or former employee of a federal judge or
5-16 state judge;
5-17 (24) a current or former child protective services
5-18 caseworker, adult protective services caseworker, or investigator
5-19 for the Department of Family and Protective Services or a current or
5-20 former employee of a department contractor performing child
5-21 protective services caseworker, adult protective services
5-22 caseworker, or investigator functions for the contractor on behalf
5-23 of the department;
5-24 (25) an elected public officer; ~~and~~
5-25 (26) a firefighter or volunteer firefighter or
5-26 emergency medical services personnel as defined by Section 773.003,
5-27 Health and Safety Code; and
5-28 (27) a current or former administrative law judge for
5-29 the State Office of Administrative Hearings.
5-30 SECTION 4. The changes in law made by this Act apply only to
5-31 a request for information that is received by a governmental body or
5-32 an officer on or after the effective date of this Act. A request for
5-33 information that was received before the effective date of this Act
5-34 is governed by the law in effect on the date the request was
5-35 received, and the former law is continued in effect for that
5-36 purpose.
5-37 SECTION 5. This Act takes effect September 1, 2023.

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