

BILL ANALYSIS

S.B. 438
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Delivery of Government Efficiency
Committee Report (Unamended)

BACKGROUND AND PURPOSE

The State Office of Administrative Hearings (SOAH) is the state agency created to serve as an independent forum for resolving disputes between Texas agencies, other governmental entities, and private citizens. The bill sponsor has informed the committee that SOAH judges are regularly called upon to make difficult and sensitive decisions that affect people's personal lives and livelihoods, with some cases involving personal and sensitive topics such as child abuse and neglect, driver's license suspensions, child support enforcement, determinations of tax liability, educational rights, and the consequences of criminal conduct with respect to state licenses. The bill sponsor has also informed the committee that, given that safety for those who adjudicate the law is a prerequisite for the fair administration of justice, the protection of administrative law judges (ALJs) employed by SOAH is of paramount importance. Texas law already excepts information regarding the home address and other personal information of current and former federal and state judges from public disclosure, but these protections do not extend to ALJs. S.B. 438 seeks to address this issue by extending these confidentiality protections under state public information law to current and former ALJs for SOAH.

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

S.B. 438 amends the Government Code to except the following from the public availability requirement of state public information law:

- information that relates to the home address, home telephone number, emergency contact information, or social security number of a current or former administrative law judge for the State Office of Administrative Hearings (SOAH), regardless of whether the person complies with applicable state public information law provisions regarding a person's election to disclose such information and regarding the confidentiality of certain personal identifying information of peace officers and other officials performing sensitive governmental functions; or
- information that reveals whether the current or former judge has family members.

The bill includes a current or former administrative law judge for SOAH among the individuals to whom those provisions relating to the confidentiality of certain personal identifying information of applicable officials performing sensitive governmental functions apply.

S.B. 438 amends the Tax Code to make statutory provisions relating to the confidentiality of certain home address information in appraisal records applicable to a current or former administrative law judge for SOAH.

S.B. 438 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 the bill's effective 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, 2025.