

BILL ANALYSIS

Senate Research Center
89R711 MCK-F

S.B. 438
By: Hinojosa, Juan "Chuy"
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AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

When a state licensing board refers a case to the State Office of Administrative Hearings (SOAH), SOAH assigns an administrative law judge (ALJ) to oversee the case. ALJs preside over approximately 25,000 cases annually for over 60 agencies. These ALJs rule on contentious issues such as child abuse and neglect, driver's license suspensions, child support enforcement, tax liability, and professional licensing. These rulings can significantly impact individuals and businesses, sometimes resulting in retaliation. ALJs have faced harassment, stalking, and "doxing" (public exposure of private information) as a consequence of their rulings.

Texas law already safeguards the personal information of certain public officials, including peace officers, prosecutors, judges, and employees involved in law enforcement and child protection, due to the risks associated with their work. ALJs, who preside over highly sensitive cases, are not included in these protections.

S.B. 438 enhances privacy protections for current and former ALJs at SOAH by amending the Texas Government Code and the Texas Tax Codes to exempt their personal information from public disclosure. The bill ensures that home addresses, phone numbers, emergency contacts, social security numbers, and details about family members remain confidential, regardless of whether an ALJ has formally requested such protection.

As proposed, S.B. 438 amends current law relating to the confidentiality of certain information for a current or former administrative law judge for the State Office of Administrative Hearings.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 552.117, Government Code, by adding Subsection (a-1), as follows:

(a-1) Provides that, in addition to the exceptions provided by Subsection (a) (relating to providing that certain information is excepted from the requirements of Section 552.021 (Availability of Public Information)), information is excepted from the requirements of Section 552.021 if it is information that:

(1) 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 Section 552.024 (Electing to Disclose Address and Telephone Number) or 552.1175 (Exception: Confidentiality of Certain Personal Identifying Information of Peace Officers and Other Officials Performing Sensitive Governmental Functions); or

(2) reveals whether a person described by Subdivision (1) has family members.

SECTION 2. Amends Section 552.1175, Government Code, by adding Subsection (a-1) to provide that, in addition to the individuals described by Subsection (a) (relating to providing that this section applies only to certain persons), this section applies to a current or former administrative law judge for SOAH.

SECTION 3. Amends Section 25.025, Tax Code, by adding Subsection (a-2) to provide that, in addition to the individuals described by Subsection (a) (relating to providing that Section 25.025 (Confidentiality of Certain Home Address Information) applies only to certain persons), this section applies to a current or former administrative law judge for SOAH.

SECTION 4. Makes application of this Act prospective.

SECTION 5. Effective date: September 1, 2025.