

BILL ANALYSIS

Senate Research Center
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S.B. 1299
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AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Every Texan has the right to support causes he or she believes in without fear of harassment and intimidation. S.B. 1299 prohibits state agencies from collecting or demanding sensitive information about an individual's support for nonprofit causes, except when required by existing law or a court. The collection and storage of donor information is a risky endeavor with potentially serious consequences. If a state actor or entity violates this protection by making an individual's name, home address, and support for nonprofit groups public, this bill gives that citizen a right to bring suit for relief. More than six decades of rulings from the Supreme Court uphold the privacy rights of donors to nonprofit causes and S.B. 1299 codifies these rights into law. Seventeen states have passed similar legislation.

As proposed, S.B. 1299 amends current law relating to the prohibited release by a public agency of personal affiliation information regarding the members, supporters, or volunteers of or donors to certain nonprofit organizations and creates a criminal offense.

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 Subtitle Z, Title 10, Government Code, by adding Chapter 3001, as follows:

CHAPTER 3001. GOVERNMENTAL ACTION RELATED TO PERSONAL AFFILIATION INFORMATION

Sec. 3001.001. DEFINITIONS. Defines "nonprofit organization," "personal affiliation information," and "public agency."

Sec. 3001.002. PROTECTED PERSONAL AFFILIATION INFORMATION. (a) Prohibits a public agency or an officer or employee of a public agency, notwithstanding any other law except Section 3001.003, from:

- (1) requiring an individual or a nonprofit organization to provide personal affiliation information to the agency or otherwise compelling the release of personal affiliation information;
- (2) releasing, publicizing, or otherwise publicly disclosing personal affiliation information in the agency's possession; or
- (3) requesting or requiring a current or prospective contractor with or grantee of the agency to provide to the agency a list of nonprofit organizations to which the current or prospective contractor or grantee has provided financial or nonfinancial support.

(b) Provides that personal affiliation information is excepted from release under Chapter 552 (Public Information).

Sec. 3001.003. EXCEPTIONS. Provides that Section 3001.002 does not apply to certain disclosures of personal affiliation information.

Sec. 3001.004. CIVIL ACTION. Authorizes a person who alleges a violation of Section 3001.002 to bring a civil action to obtain appropriate:

(1) injunctive relief;

(2) damages incurred by the person in an amount equal to:

(A) not less than \$2,500 as compensatory damages for injury or loss caused by each violation; or

(B) a sum not to exceed three times the amount described in Paragraph (A) for each intentional violation; and

(3) court costs, including reasonable attorney's and witness fees.

Sec. 3001.005. IMMUNITY WAIVED. Authorizes a person who alleges a violation of Section 3001.002 to sue the public agency for the relief provided under Section 3001.004. Provides that sovereign or governmental immunity, as applicable, is waived and abolished to the extent of liability for that relief.

Sec. 3001.006. CRIMINAL PENALTY. Provides that a person commits an offense if the person knowingly violates Section 3001.002. Provides that an offense under this section is a Class B misdemeanor.

SECTION 2. Makes application of Chapter 3001, Government Code, as added by this Act, prospective.

SECTION 3. Effective date: September 1, 2025.