

By: Hernandez

H.B. No. 2892

Substitute the following for H.B. No. 2892:

By: King

C.S.H.B. No. 2892

A BILL TO BE ENTITLED

AN ACT

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; creating a criminal offense.

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

SECTION 1. Subtitle Z, Title 10, Government Code, is amended by adding Chapter 3001 to read as follows:

CHAPTER 3001. GOVERNMENTAL ACTION RELATED TO PERSONAL AFFILIATION INFORMATION

Sec. 3001.001. DEFINITIONS. In this chapter:

(1) "Nonprofit organization" means an entity that is exempt from federal income tax under Section 501(a), Internal Revenue Code of 1986, by being listed as an exempt entity under Section 501(c) of that code, has submitted an application with the Internal Revenue Service for recognition of an exemption under Section 501(c) of that code, or is a nonprofit corporation or association organized or formed under the laws of this state or another state.

(2) "Personal affiliation information" means a list, record, registry, roster, or other compilation of any data that directly or indirectly identifies a person as a member, supporter, or volunteer of, or a donor of financial or nonfinancial support to, a nonprofit organization.

1 (3) "Public agency" means a state or local
2 governmental unit:

3 (A) including:

4 (i) this state or a department, agency,
5 office, commission, board, division, or other entity of this state
6 in the executive branch of state government;

7 (ii) any state or local court or other
8 judicial or quasi-judicial body in the judicial branch of state
9 government; and

10 (iii) a political subdivision of this
11 state, including a county, municipality, school district,
12 community college district, or any other local governmental unit,
13 agency, authority, council, board, or commission; and

14 (B) not including an institution of higher
15 education, as defined by Section 61.003, Education Code.

16 Sec. 3001.002. PROTECTED PERSONAL AFFILIATION INFORMATION.

17 (a) Notwithstanding any other law except Section 3001.003, a
18 public agency or an officer or employee of a public agency may not:

19 (1) require an individual or a nonprofit organization
20 to provide personal affiliation information to the agency or
21 otherwise compel the release of personal affiliation information;

22 (2) release, publicize, or otherwise publicly
23 disclose personal affiliation information in the agency's
24 possession; or

25 (3) request or require a current or prospective
26 contractor with or grantee of the agency to provide to the agency a
27 list of nonprofit organizations to which the current or prospective

1 contractor or grantee has provided financial or nonfinancial
2 support.

3 (b) Personal affiliation information is excepted from
4 release under Chapter 552.

5 Sec. 3001.003. EXCEPTIONS. Section 3001.002 does not apply
6 to:

7 (1) personal affiliation information a public agency
8 releases that was voluntarily released to the public by the person
9 or nonprofit organization to which the information relates;

10 (2) personal affiliation information included in a
11 report required to be filed under Title 15, Election Code, under a
12 rule of the Texas Ethics Commission, or by a person required to
13 register as a lobbyist under Chapter 305;

14 (3) a warrant or subpoena for personal affiliation
15 information issued by a court of competent jurisdiction in this
16 state;

17 (4) a request for discovery of personal affiliation
18 information in an action brought in a court of competent
19 jurisdiction in this state if the requestor:

20 (A) demonstrates by clear and convincing
21 evidence a compelling need for the information; and

22 (B) obtains a protective order barring release of
23 the information to any person not named in the action;

24 (5) personal affiliation information admitted as
25 relevant evidence in an action before a court of competent
26 jurisdiction in this state, provided the court does not publicly
27 release the information unless the court specifically finds good

1 cause for the release;

2 (6) personal affiliation information the attorney
3 general obtains in an investigation conducted under Section 17.60
4 or 17.61, Business & Commerce Code, Section 252.010, Business
5 Organizations Code, or Subchapter B, Chapter 12, Business
6 Organizations Code, provided the collected personal affiliation
7 information:

8 (A) is used only in connection with the specific
9 investigation related to the request and any related proceeding;
10 and

11 (B) complies with Section 3001.002(a)(2), unless
12 the information's disclosure is expressly required by other law;

13 (7) personal affiliation information the attorney
14 general discloses in court pleadings, submissions of evidence, or
15 public communications related to a criminal proceeding or a civil
16 enforcement action, provided the public communications include
17 personal affiliation information only if the accused party is found
18 guilty in the criminal proceeding or liable in the civil
19 enforcement action;

20 (8) personal affiliation information disclosing the
21 identity of the members of the governing board or a director,
22 officer, registered agent, incorporator, or managerial official of
23 a nonprofit organization in any report or other document required
24 under state law to be filed with the secretary of state or Texas
25 Alcoholic Beverage Commission, provided that information directly
26 identifying an individual as a donor of financial support to a
27 nonprofit organization may not be collected or disclosed;

1 (9) personal affiliation information obtained by a
2 national securities association registered under Section 15A of the
3 Securities Exchange Act of 1934 (15 U.S.C. Section 78o-3), obtained
4 under regulations adopted under that Act, or provided by a national
5 securities association to a state agency in accordance with that
6 Act and state law;

7 (10) personal affiliation information the Texas
8 Department of Criminal Justice requests for a criminal history
9 record information check or other security purposes in connection
10 with the provision of any program or service, including volunteer
11 and legal services, to an inmate, releasee, or person on community
12 supervision, provided the information is used only for the criminal
13 history record information check or security purposes;

14 (11) personal affiliation information included in
15 materials submitted to the office of the governor by an applicant
16 who is seeking consideration for a gubernatorial appointment,
17 provided:

18 (A) the office does not require the applicant to
19 submit a list of nonprofit organizations to which the individual
20 has provided financial support; and

21 (B) the applicant is not prohibited from
22 voluntarily providing the list; and

23 (12) personal affiliation information that is derived
24 from an individual's donation to a nonprofit organization
25 affiliated with a public agency and is required by state law, unless
26 the individual submitted a request for the nonprofit organization
27 to maintain the individual's anonymity.

1 Sec. 3001.004. CIVIL ACTION. A person who alleges a
2 violation of Section 3001.002 may bring a civil action to obtain
3 appropriate:

4 (1) injunctive relief;
5 (2) damages incurred by the person in an amount equal
6 to:

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

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

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

13 Sec. 3001.005. IMMUNITY WAIVED. A person who alleges a
14 violation of Section 3001.002 may sue the public agency for the
15 relief provided under Section 3001.004. Sovereign or governmental
16 immunity, as applicable, is waived and abolished to the extent of
17 liability for that relief.

18 Sec. 3001.006. CRIMINAL PENALTY. A person commits an
19 offense if the person knowingly violates Section 3001.002. An
20 offense under this section is a Class B misdemeanor.

21 SECTION 2. Chapter 3001, Government Code, as added by this
22 Act, applies only to personal affiliation information released or
23 disclosed on or after the effective date of this Act.

24 SECTION 3. This Act takes effect September 1, 2025.