

By: Leach

H.B. No. 5081

A BILL TO BE ENTITLED

AN ACT

relating to the protection of personal identifying information of certain persons in the judicial system; creating criminal offenses.

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

SECTION 1. The heading to Subtitle H, Title 2, Government Code, is amended to read as follows:

SUBTITLE H. INFORMATION RESOURCES AND PRIVACY

SECTION 2. Subtitle H, Title 2, Government Code, is amended by adding Chapter 92 to read as follows:

CHAPTER 92. PROTECTION OF PERSONAL IDENTIFYING INFORMATION OF AT-RISK INDIVIDUALS COLLECTED AND STORED BY DATA BROKERS AND OTHER PERSONS

Sec. 92.001. DEFINITIONS. In this chapter:

(1) "At-risk individual" means:

(A) a judge, as defined by Section 33.001;

(B) a court clerk; and

(C) an employee of a state court, a court clerk, the office, or another agency in the judicial branch of state government.

(2) "Court clerk" means the clerk of the supreme court, the court of criminal appeals, a court of appeals, a district court, a county court, a statutory county court, a statutory probate court, a justice court, or a municipal court.

(3) "Covered information":

(A) means:

(i) a home address, including primary and secondary residences;

(ii) a home or personal telephone number, including a mobile telephone number;

(iii) an e-mail address;

(iv) a social security number or driver's license number;

(v) bank account, credit card, or debit card information;

(vi) a license plate number or other unique identifier of a vehicle owned, leased, or regularly used;

(vii) the identity of a child younger than 18 years of age;

(viii) a person's date of birth;

(ix) information regarding current or future school or day care attendance, including the name or address of the school or day care, schedules of attendance, or routes taken to or from the school or day care;

(x) employment information, including the name or address of the employer, employment schedules, or routes taken to or from the employer's location; and

(xi) photographs or videos that reveal information listed in Subparagraphs (i)-(x); and

(B) does not include:

(i) information regarding employment with a state agency; or

1 (ii) the display of a property address on a
2 real estate or mapping Internet website, provided the address is
3 not displayed in connection with ownership, occupancy, or other
4 personal identifying information.

5 (4) "Data broker" has the meaning assigned by Section
6 509.001, Business & Commerce Code, as added by Chapter 963
7 (S.B. 2105), Acts of the 88th Legislature, Regular Session, 2023.
8 The term does not include a commercial entity that:

9 (A) is engaged in the business of:

10 (i) reporting, news-gathering, speaking,
11 or engaging in other activities intended to inform the public on
12 matters of public interest or public concern;

13 (ii) providing 411 directory assistance or
14 directory information services, including name, address, and
15 telephone number, on behalf of or as a function of a
16 telecommunications carrier;

17 (iii) using personal information
18 internally, by providing access to businesses under common
19 ownership or affiliated by corporate control, or selling or
20 providing data for a transaction or service requested by or
21 concerning the individual whose personal information is being
22 transferred;

23 (iv) providing publicly available
24 information using real-time or near real-time alert services for
25 health or safety purposes; or

26 (v) collecting and selling or licensing
27 covered information incidental to conducting the activities

described by this subdivision; or

(B) is engaged in business as:

(i) a consumer reporting agency subject to Chapter 20, Business & Commerce Code, and the Fair Credit Reporting Act (15 U.S.C. Section 1681 et seq.);

(ii) a financial institution subject to the Gramm-Leach-Bliley Act (Pub. L. No. 106-102) and regulations implementing that Act; or

(iii) a covered entity for purposes of the privacy regulations promulgated under Section 264(c), Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. Section 1320d-2 note).

(5) "Immediate family member" means a person related to another person within the first degree by consanguinity or affinity, as described by Subchapter B, Chapter 573. The term includes a foster child, ward, legal dependent, or individual residing in the same household.

(6) "Office" means the Office of Court Administration of the Texas Judicial System.

(7) "State agency" means a public entity in the executive, judicial, or legislative branch of state government.

(8) "State court" means:

(A) the supreme court or the court of criminal appeals;

(B) an appellate court, district court, or division of the business court;

(C) a county court, constitutional county court,

1 statutory county court, or statutory probate court;

2 (D) a justice court; or

3 (E) a municipal court.

4 Sec. 92.002. DATA BROKER PROHIBITIONS. Notwithstanding any
5 other law, a data broker may not knowingly sell, license, trade for
6 consideration, transfer, or purchase covered information of an
7 at-risk individual or an immediate family member of the individual.

8 Sec. 92.003. PROHIBITED DISPLAY OF COVERED INFORMATION.

9 (a) Except as provided by Subsection (b), a person, including a
10 data broker, may not publicly post or display on a publicly
11 accessible Internet website covered information of an at-risk
12 individual or an immediate family member of the individual if the
13 at-risk individual, or the office, acting on the individual's
14 behalf, submits a written request to that person not to disclose or
15 acquire the covered information that is the subject of the request.

16 (b) Subsection (a) does not apply to:

17 (1) covered information of an at-risk individual or an
18 immediate family member of the individual displayed on a publicly
19 accessible Internet website if the information is relevant to and
20 displayed as part of a news story, commentary, editorial, or other
21 speech on a matter of public concern;

22 (2) covered information that an at-risk individual
23 voluntarily posts on the Internet; or

24 (3) covered information received from a governmental
25 entity or an employee or agent of a governmental entity.

26 Sec. 92.004. DUTY OF DATA BROKER TO REMOVE COVERED
27 INFORMATION. After receiving a written request under Section

92.003, a data broker shall:

(1) not later than 72 hours after receipt of the request:

(A) remove from the Internet website the covered information identified in the request;

(B) ensure the information is not made available on any other publicly accessible Internet website or subsidiary website the data broker controls; and

(C) identify any other instances of the information that should be removed; and

(2) assist the sender in locating the covered information that may be posted on any publicly accessible Internet website or subsidiary website controlled by the data broker.

Sec. 92.005. OFFICE PROCEDURES. The judicial security division of the office shall develop a process by which a judge can file a written request with the director of the office to notify a data broker or other person, on the judge's behalf, of a written request submitted by the judge to remove covered information posted or displayed by the person on a publicly accessible Internet website.

Sec. 92.006. TRANSFER. (a) Except as provided by Subsection (b), after receiving a written request under Section 92.003, the person may not transfer the covered information to any other person through any medium.

(b) Subsection (a) does not apply to:

(1) the transfer of the covered information that is relevant to and displayed as part of a news story, commentary,

editorial, or other speech on a matter of public concern;

(2) covered information the at-risk individual or the immediate family member of the individual voluntarily posts on the Internet; or

(3) a transfer of the covered information:

(A) at the request of the at-risk individual; or

(B) as necessary to produce a request to the person from the at-risk individual.

Sec. 92.007. CIVIL REMEDIES. (a) If the covered information of an at-risk individual or an immediate family member of the individual is made public as a result of a violation of this chapter, the at-risk individual or the individual's designee may bring an action in a court seeking injunctive or declaratory relief.

(b) If the plaintiff prevails in an action brought under Subsection (a), the court, in addition to issuing an order for injunctive or declaratory relief, may:

(1) impose a fine of \$500 for each day the covered information remains public after the date on which the order for injunctive or declaratory relief is issued; and

(2) if the defendant is not a state agency, award to the at-risk individual, or the individual's immediate family, exemplary damages, court costs, and reasonable attorney's fees.

Sec. 92.008. CRIMINAL OFFENSES. (a) A person commits an offense if:

(1) the person intentionally posts covered information of an at-risk individual or an immediate family member

1 of the individual on a publicly accessible Internet website without
2 first obtaining the consent of the individual whose information was
3 posted;

4 (2) the information is posted with intent to cause or
5 threaten to cause harm to or harassment of an at-risk individual or
6 a member of the individual's immediate family; and

7 (3) under the circumstances, harm to or harassment of
8 the at-risk individual or immediate family member is a probable
9 consequence of the posting of the information.

10 (b) A person other than a data broker commits an offense if
11 the person does not remove from a publicly accessible Internet
12 website controlled by the person covered information identified in
13 a written request submitted under Section 92.003 within 48 hours of
14 receiving the request.

15 (c) For purposes of Subsection (a), it is prima facie
16 evidence of the intent to cause or threaten to cause harm to or
17 harassment of an at-risk individual or a member of the individual's
18 immediate family if the person:

19 (1) receives a written request not to disclose the
20 covered information for safety reasons; and

21 (2) either:

22 (A) fails to remove the covered information from
23 the Internet website within 48 hours of receiving the request; or

24 (B) before the fourth anniversary of the date the
25 business receives the request, reposts the covered information on
26 the same Internet website or another publicly accessible Internet
27 website or makes the information publicly available through another

1 medium.

2 (d) An offense under this section is a Class B misdemeanor,
3 except that the offense is a Class A misdemeanor if the offense
4 results in the bodily injury of:

5 (1) the at-risk individual whose covered information
6 was posted on the Internet website; or

7 (2) an immediate family member of the individual.

8 SECTION 3. (a) Chapter 92, Government Code, as added by
9 this Act, applies only to covered information posted on a publicly
10 accessible Internet website on or after the effective date of this
11 Act.

12 (b) Sections 92.003 and 92.004, Government Code, as added by
13 this Act, apply to covered information available on a publicly
14 accessible Internet website on or after the effective date of this
15 Act, regardless of the date on which the information was originally
16 posted.

17 (c) The Office of Court Administration of the Texas Judicial
18 System is required to implement Section 92.005, Government Code, as
19 added by this Act, only if the legislature appropriates money
20 specifically for that purpose. If the legislature does not
21 appropriate money specifically for that purpose, the office may,
22 but is not required to, implement Section 92.005 using other
23 appropriations available for that purpose.

24 (d) The Office of Court Administration of the Texas Judicial
25 System may develop or procure a statewide technology system to
26 automate the process described in Section 92.005, Government Code,
27 as added by this Act.

1 (e) Section 92.008, Government Code, as added by this Act,
2 applies only to an offense committed on or after the effective date
3 of this Act. For purposes of this section, an offense is committed
4 before the effective date of this Act if any element of the offense
5 occurs before that date.

6 SECTION 4. It is the intent of the 89th Legislature, Regular
7 Session, 2025, that the amendments made by this Act to Section
8 92.001(4), Government Code, be harmonized with another Act of the
9 89th Legislature, Regular Session, 2025, relating to
10 nonsubstantive additions to and corrections in enacted codes.

11 SECTION 5. This Act takes effect September 1, 2025.