

By: Leach

H.B. No. 5081

Substitute the following for H.B. No. 5081:

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C.S.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 a criminal offense.

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.

1 (3) "Covered information":

2 (A) means:

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

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

7 (iii) an e-mail address;

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

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

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

14 (vii) the identity of a child younger than
15 18 years of age;

16 (viii) a person's date of birth;

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

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

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

26 (B) does not include information regarding
27 employment with a state agency.

1 (4) "Data broker" has the meaning assigned by Section
2 509.001, Business & Commerce Code, as added by Chapter 963
3 (S.B. 2105), Acts of the 88th Legislature, Regular Session, 2023.

4 The term does not include a commercial entity that:

5 (A) is engaged in the business of:

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

9 (ii) providing 411 directory assistance or
10 directory information services, including name, address, and
11 telephone number, on behalf of or as a function of a
12 telecommunications carrier;

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

19 (iv) providing publicly available
20 information using real-time or near real-time alert services for
21 health or safety purposes; or

22 (v) collecting and selling or licensing
23 covered information incidental to conducting the activities
24 described by this subdivision; or

25 (B) is engaged in business as:

26 (i) a consumer reporting agency subject to
27 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, statutory county court, or statutory probate court;

(D) a justice court; or

(E) a municipal court.

Sec. 92.002. DATA BROKER PROHIBITIONS. Notwithstanding any

1 other law, a data broker may not knowingly sell, license, trade for
2 consideration, transfer, or purchase covered information of an
3 at-risk individual or an immediate family member of the individual.

4 Sec. 92.003. PROHIBITION ON BUSINESSES AND OTHER PERSONS.

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

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

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

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

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

22 Sec. 92.004. REQUIRED CONDUCT. After receiving a written
23 request under Section 92.003, a person, including a data broker,
24 shall:

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

27 (A) remove from the Internet website the covered

1 information identified in the request;

2 (B) ensure the information is not made available
3 on any other publicly accessible Internet website or subsidiary
4 website the person controls; and

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

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

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

17 Sec. 92.006. TRANSFER. (a) Except as provided by
18 Subsection (b), after receiving a written request under Section
19 92.003, the person may not transfer the covered information to any
20 other person through any medium.

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

22 (1) the transfer of the covered information that is
23 relevant to and displayed as part of a news story, commentary,
24 editorial, or other speech on a matter of public concern;

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

1 (3) a transfer of the covered information:

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

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

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

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

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

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

20 Sec. 92.008. CRIMINAL OFFENSE. (a) A person commits an
21 offense if the person intentionally posts covered information of an
22 at-risk individual or an immediate family member of the individual
23 on a publicly accessible Internet website without first obtaining
24 the consent of the individual whose information was posted and:

25 (1) the information is posted with intent to cause or
26 threaten to cause harm to or harassment of an at-risk individual or
27 a member of the individual's immediate family; and

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

4 (b) For purposes of Subsection (a), it is prima facie
5 evidence of the intent to cause or threaten to cause harm to or
6 harassment of an at-risk individual or a member of the individual's
7 immediate family if the person:

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

10 (2) either:

11 (A) fails to remove the covered information from
12 the Internet website not later than 48 hours after receiving the
13 request; or

14 (B) before the fourth anniversary of the date the
15 business receives the request, reposts the covered information on
16 the same Internet website or another publicly accessible Internet
17 website or makes the information publicly available through another
18 medium.

19 (c) An offense under this section is a Class B misdemeanor,
20 except that the offense is a Class A misdemeanor if the offense
21 results in the bodily injury of:

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

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

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

1 Act.

2 (b) Section 92.004, Government Code, as added by this Act,
3 applies to covered information available on a publicly accessible
4 Internet website on or after the effective date of this Act,
5 regardless of the date on which the information was originally
6 posted.

7 (c) The Office of Court Administration of the Texas Judicial
8 System is required to implement Section 92.005, Government Code, as
9 added by this Act, only if the legislature appropriates money
10 specifically for that purpose. If the legislature does not
11 appropriate money specifically for that purpose, the office may,
12 but is not required to, implement Section 92.005 using other
13 appropriations available for that purpose.

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

18 (e) Section 92.008, Government Code, as added by this Act,
19 applies only to an offense committed on or after the effective date
20 of this Act. For purposes of this section, an offense is committed
21 before the effective date of this Act if any element of the offense
22 occurs before that date.

23 SECTION 4. It is the intent of the 89th Legislature, Regular
24 Session, 2025, that the amendments made by this Act to Section
25 92.001(4), Government Code, be harmonized with another Act of the
26 89th Legislature, Regular Session, 2025, relating to
27 nonsubstantive additions to and corrections in enacted codes.

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