

1-1 By: Smithee (Senate Sponsor - Zaffirini) H.B. No. 3424
1-2 (In the Senate - Received from the House May 13, 2015;
1-3 May 14, 2015, read first time and referred to Committee on State
1-4 Affairs; May 22, 2015, reported favorably by the following vote:
1-5 Yeas 9, Nays 0; May 22, 2015, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	Huffman	X		
1-9	Ellis	X		
1-10	Birdwell	X		
1-11	Creighton	X		
1-12	Estes	X		
1-13	Fraser	X		
1-14	Nelson	X		
1-15	Schwertner	X		
1-16	Zaffirini	X		

1-17 A BILL TO BE ENTITLED
1-18 AN ACT

1-19 relating to a central database containing information about certain
1-20 individuals under guardianship.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-22 SECTION 1. Subchapter C, Chapter 1053, Estates Code, is
1-23 amended by adding Section 1053.106 to read as follows:

1-24 Sec. 1053.106. CERTAIN INFORMATION PROVIDED BY COURT CLERK.

1-25 (a) Except as provided by Subsection (b), the clerk of a court
1-26 shall compile and provide to the Department of Public Safety of the
1-27 State of Texas the:

1-28 (1) names of incapacitated persons who are at least 18
1-29 years of age and who have a guardian appointed under Title 3,
1-30 Estates Code;

1-31 (2) name of the guardian appointed for each
1-32 incapacitated person; and

1-33 (3) contact information for the guardian appointed for
1-34 each incapacitated person.

1-35 (b) The clerk of a court must obtain the consent of a
1-36 guardian of an incapacitated person on a form prescribed by the
1-37 Department of Public Safety of the State of Texas before the clerk
1-38 may provide to the department the information for the incapacitated
1-39 person described by Subsection (a).

1-40 SECTION 2. Subchapter D, Chapter 411, Government Code, is
1-41 amended by adding Section 411.055 to read as follows:

1-42 Sec. 411.055. DATABASE OF INCAPACITATED PERSONS AND
1-43 GUARDIANS. (a) In this section:

1-44 (1) "Incapacitated person" means an adult who:

1-45 (A) because of a physical or mental condition, is
1-46 substantially unable to:

1-47 (i) provide food, clothing, or shelter for
1-48 himself or herself;

1-49 (ii) care for the person's own physical
1-50 health; or

1-51 (iii) manage the person's own financial
1-52 affairs; and

1-53 (B) has a guardian appointed under Title 3,
1-54 Estates Code.

1-55 (2) "Emergency service provider" means an individual
1-56 who provides emergency response services, including a law
1-57 enforcement officer, firefighter, emergency medical services
1-58 provider, dispatcher, or rescue service provider.

1-59 (b) The department shall develop and maintain a
1-60 computerized central database accessible only to emergency service
1-61 providers that contains, to the extent the information is available

2-1 to the department:

2-2 (1) the names of incapacitated persons who have a
2-3 guardian consenting to the dissemination of the incapacitated
2-4 person's information under Section 1053.106, Estates Code; and

2-5 (2) for each incapacitated person, the name of the
2-6 guardian appointed for that person and contact information for the
2-7 guardian.

2-8 (c) Information contained in the database is confidential
2-9 and not subject to disclosure under Chapter 552, Government Code.

2-10 (d) The director shall adopt rules as necessary to implement
2-11 and maintain the database created under this section.

2-12 SECTION 3. This Act takes effect September 1, 2015.

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