

1-1 By: Dutton (Senate Sponsor - Miles) H.B. No. 1278
 1-2 (In the Senate - Received from the House May 10, 2017;
 1-3 May 10, 2017, read first time and referred to Committee on Criminal
 1-4 Justice; May 22, 2017, reported favorably by the following vote:
 1-5 Yeas 9, Nays 0; May 22, 2017, sent to printer.)

1-6 COMMITTEE VOTE

| | Yea | Nay | Absent | PNV |
|------|-----|-----|--------|-----|
| 1-7 | | | | |
| 1-8 | X | | | |
| 1-9 | X | | | |
| 1-10 | X | | | |
| 1-11 | X | | | |
| 1-12 | X | | | |
| 1-13 | X | | | |
| 1-14 | X | | | |
| 1-15 | X | | | |
| 1-16 | X | | | |

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

1-19 relating to availability of personal information of certain current
 1-20 and former prosecutors.

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

1-22 SECTION 1. Section 552.117(a), Government Code, is amended
 1-23 to read as follows:

1-24 (a) Information is excepted from the requirements of
 1-25 Section 552.021 if it is information that relates to the home
 1-26 address, home telephone number, emergency contact information, or
 1-27 social security number of the following person or that reveals
 1-28 whether the person has family members:

1-29 (1) a current or former official or employee of a
 1-30 governmental body, except as otherwise provided by Section 552.024;

1-31 (2) a peace officer as defined by Article 2.12, Code of
 1-32 Criminal Procedure, or a security officer commissioned under
 1-33 Section 51.212, Education Code, regardless of whether the officer
 1-34 complies with Section 552.024 or 552.1175, as applicable;

1-35 (3) a current or former employee of the Texas
 1-36 Department of Criminal Justice or of the predecessor in function of
 1-37 the department or any division of the department, regardless of
 1-38 whether the current or former employee complies with Section
 1-39 552.1175;

1-40 (4) a peace officer as defined by Article 2.12, Code of
 1-41 Criminal Procedure, or other law, a reserve law enforcement
 1-42 officer, a commissioned deputy game warden, or a corrections
 1-43 officer in a municipal, county, or state penal institution in this
 1-44 state who was killed in the line of duty, regardless of whether the
 1-45 deceased complied with Section 552.024 or 552.1175;

1-46 (5) a commissioned security officer as defined by
 1-47 Section 1702.002, Occupations Code, regardless of whether the
 1-48 officer complies with Section 552.024 or 552.1175, as applicable;

1-49 (6) an officer or employee of a community supervision
 1-50 and corrections department established under Chapter 76 who
 1-51 performs a duty described by Section 76.004(b), regardless of
 1-52 whether the officer or employee complies with Section 552.024 or
 1-53 552.1175;

1-54 (7) a current or former employee of the office of the
 1-55 attorney general who is or was assigned to a division of that office
 1-56 the duties of which involve law enforcement, regardless of whether
 1-57 the current or former employee complies with Section 552.024 or
 1-58 552.1175;

1-59 (8) a current or former employee of the Texas Juvenile
 1-60 Justice Department or of the predecessors in function of the
 1-61 department, regardless of whether the current or former employee

2-1 complies with Section 552.024 or 552.1175;
 2-2 (9) a current or former juvenile probation or
 2-3 supervision officer certified by the Texas Juvenile Justice
 2-4 Department, or the predecessors in function of the department,
 2-5 under Title 12, Human Resources Code, regardless of whether the
 2-6 current or former officer complies with Section 552.024 or
 2-7 552.1175;

2-8 (10) a current or former employee of a juvenile
 2-9 justice program or facility, as those terms are defined by Section
 2-10 261.405, Family Code, regardless of whether the current or former
 2-11 employee complies with Section 552.024 or 552.1175; [~~or~~]

2-12 (11) a current or former member of the Texas military
 2-13 forces, as that term is defined by Section 437.001;

2-14 (12) a current or former district attorney, criminal
 2-15 district attorney, or county or municipal attorney whose
 2-16 jurisdiction includes any criminal law or child protective services
 2-17 matters, regardless of whether the current or former attorney
 2-18 complies with Section 552.024 or 552.1175; or

2-19 (13) a current or former employee of a district
 2-20 attorney, criminal district attorney, or county or municipal
 2-21 attorney whose jurisdiction includes any criminal law or child
 2-22 protective services matters, regardless of whether the current or
 2-23 former employee complies with Section 552.024 or 552.1175.

2-24 SECTION 2. Section 552.1175(a), Government Code, is amended
 2-25 to read as follows:

2-26 (a) This section applies only to:

2-27 (1) peace officers as defined by Article 2.12, Code of
 2-28 Criminal Procedure;

2-29 (2) county jailers as defined by Section 1701.001,
 2-30 Occupations Code;

2-31 (3) current or former employees of the Texas
 2-32 Department of Criminal Justice or of the predecessor in function of
 2-33 the department or any division of the department;

2-34 (4) commissioned security officers as defined by
 2-35 Section 1702.002, Occupations Code;

2-36 (5) [~~employees of~~] a current or former district
 2-37 attorney, criminal district attorney, or county or municipal
 2-38 attorney whose jurisdiction includes any criminal law or child
 2-39 protective services matters;

2-40 (5-a) a current or former employee of a district
 2-41 attorney, criminal district attorney, or county or municipal
 2-42 attorney whose jurisdiction includes any criminal law or child
 2-43 protective services matters;

2-44 (6) officers and employees of a community supervision
 2-45 and corrections department established under Chapter 76 who perform
 2-46 a duty described by Section 76.004(b);

2-47 (7) criminal investigators of the United States as
 2-48 described by Article 2.122(a), Code of Criminal Procedure;

2-49 (8) police officers and inspectors of the United
 2-50 States Federal Protective Service;

2-51 (9) current and former employees of the office of the
 2-52 attorney general who are or were assigned to a division of that
 2-53 office the duties of which involve law enforcement;

2-54 (10) current or former juvenile probation and
 2-55 detention officers certified by the Texas Juvenile Justice
 2-56 Department, or the predecessors in function of the department,
 2-57 under Title 12, Human Resources Code;

2-58 (11) current or former employees of a juvenile justice
 2-59 program or facility, as those terms are defined by Section 261.405,
 2-60 Family Code;

2-61 (12) current or former employees of the Texas Juvenile
 2-62 Justice Department or the predecessors in function of the
 2-63 department; and

2-64 (13) federal judges and state judges as defined by
 2-65 Section 13.0021, Election Code.

2-66 SECTION 3. Section 25.025(a), Tax Code, is amended to read
 2-67 as follows:

2-68 (a) This section applies only to:

2-69 (1) a current or former peace officer as defined by

3-1 Article 2.12, Code of Criminal Procedure;
 3-2 (2) a county jailer as defined by Section 1701.001,
 3-3 Occupations Code;
 3-4 (3) an employee of the Texas Department of Criminal
 3-5 Justice;
 3-6 (4) a commissioned security officer as defined by
 3-7 Section 1702.002, Occupations Code;
 3-8 (5) a victim of family violence as defined by Section
 3-9 71.004, Family Code, if as a result of the act of family violence
 3-10 against the victim, the actor is convicted of a felony or a Class A
 3-11 misdemeanor;
 3-12 (6) a federal judge, a state judge, or the spouse of a
 3-13 federal judge or state judge;
 3-14 (7) a current or former district attorney, criminal
 3-15 district attorney, or county or municipal attorney whose
 3-16 jurisdiction includes any criminal law or child protective services
 3-17 matters;
 3-18 (7-a) a current or former employee of a district
 3-19 attorney, criminal district attorney, or county or municipal
 3-20 attorney whose jurisdiction includes any criminal law or child
 3-21 protective services matters;
 3-22 (8) an officer or employee of a community supervision
 3-23 and corrections department established under Chapter 76,
 3-24 Government Code, who performs a duty described by Section 76.004(b)
 3-25 of that code;
 3-26 (9) a criminal investigator of the United States as
 3-27 described by Article 2.122(a), Code of Criminal Procedure;
 3-28 (10) a police officer or inspector of the United
 3-29 States Federal Protective Service;
 3-30 (11) a current or former United States attorney or
 3-31 assistant United States attorney and the spouse and child of the
 3-32 attorney;
 3-33 (12) a current or former employee of the office of the
 3-34 attorney general who is or was assigned to a division of that office
 3-35 the duties of which involve law enforcement;
 3-36 (13) a medical examiner or person who performs
 3-37 forensic analysis or testing who is employed by this state or one or
 3-38 more political subdivisions of this state;
 3-39 (14) a current or former member of the United States
 3-40 armed forces who has served in an area that the president of the
 3-41 United States by executive order designates for purposes of 26
 3-42 U.S.C. Section 112 as an area in which armed forces of the United
 3-43 States are or have engaged in combat;
 3-44 (15) a current or former employee of the Texas
 3-45 Juvenile Justice Department or of the predecessors in function of
 3-46 the department;
 3-47 (16) a current or former juvenile probation or
 3-48 supervision officer certified by the Texas Juvenile Justice
 3-49 Department, or the predecessors in function of the department,
 3-50 under Title 12, Human Resources Code; and
 3-51 (17) a current or former employee of a juvenile
 3-52 justice program or facility, as those terms are defined by Section
 3-53 261.405, Family Code.

3-54 SECTION 4. The changes in law made by this Act to Sections
 3-55 552.117(a) and 552.1175(a), Government Code, and Section
 3-56 25.025(a), Tax Code, apply only to a request for information that is
 3-57 received by a governmental body or an officer for public
 3-58 information on or after the effective date of this Act. A request
 3-59 for information that was received before the effective date of this
 3-60 Act is governed by the law in effect on the date the request was
 3-61 received, and the former law is continued in effect for that
 3-62 purpose.

3-63 SECTION 5. This Act takes effect immediately if it receives
 3-64 a vote of two-thirds of all the members elected to each house, as
 3-65 provided by Section 39, Article III, Texas Constitution. If this
 3-66 Act does not receive the vote necessary for immediate effect, this
 3-67 Act takes effect September 1, 2017.

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