

1-1 By: Wu, et al. (Senate Sponsor - Paxton) H.B. No. 759
 1-2 (In the Senate - Received from the House April 11, 2019;
 1-3 April 16, 2019, read first time and referred to Committee on
 1-4 Business & Commerce; May 19, 2019, reported favorably by the
 1-5 following vote: Yeas 7, Nays 0; May 19, 2019, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7 Hancock	X			
1-8 Nichols	X			
1-9 Campbell	X			
1-10 Creighton			X	
1-11 Menéndez	X			
1-12 Paxton	X			
1-13 Schwertner	X			
1-14 Whitmire			X	
1-15 Zaffirini	X			

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

1-19 relating to the availability of personal information of a child
 1-20 protective services caseworker, adult protective services
 1-21 caseworker, or investigator.

1-22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-23 SECTION 1. Section 552.117(a), Government Code, as amended
 1-24 by Chapters 34 (S.B. 1576), 190 (S.B. 42), and 1006 (H.B. 1278),
 1-25 Acts of the 85th Legislature, Regular Session, 2017, is reenacted
 1-26 and amended to read as follows:

1-27 (a) Information is excepted from the requirements of
 1-28 Section 552.021 if it is information that relates to the home
 1-29 address, home telephone number, emergency contact information, or
 1-30 social security number of the following person or that reveals
 1-31 whether the person has family members:

1-32 (1) a current or former official or employee of a
 1-33 governmental body, except as otherwise provided by Section 552.024;

1-34 (2) a peace officer as defined by Article 2.12, Code of
 1-35 Criminal Procedure, or a security officer commissioned under
 1-36 Section 51.212, Education Code, regardless of whether the officer
 1-37 complies with Section 552.024 or 552.1175, as applicable;

1-38 (3) a current or former employee of the Texas
 1-39 Department of Criminal Justice or of the predecessor in function of
 1-40 the department or any division of the department, regardless of
 1-41 whether the current or former employee complies with Section
 1-42 552.1175;

1-43 (4) a peace officer as defined by Article 2.12, Code of
 1-44 Criminal Procedure, or other law, a reserve law enforcement
 1-45 officer, a commissioned deputy game warden, or a corrections
 1-46 officer in a municipal, county, or state penal institution in this
 1-47 state who was killed in the line of duty, regardless of whether the
 1-48 deceased complied with Section 552.024 or 552.1175;

1-49 (5) a commissioned security officer as defined by
 1-50 Section 1702.002, Occupations Code, regardless of whether the
 1-51 officer complies with Section 552.024 or 552.1175, as applicable;

1-52 (6) an officer or employee of a community supervision
 1-53 and corrections department established under Chapter 76 who
 1-54 performs a duty described by Section 76.004(b), regardless of
 1-55 whether the officer or employee complies with Section 552.024 or
 1-56 552.1175;

1-57 (7) a current or former employee of the office of the
 1-58 attorney general who is or was assigned to a division of that office
 1-59 the duties of which involve law enforcement, regardless of whether
 1-60 the current or former employee complies with Section 552.024 or
 1-61 552.1175;

2-1 (8) a current or former employee of the Texas Juvenile
 2-2 Justice Department or of the predecessors in function of the
 2-3 department, regardless of whether the current or former employee
 2-4 complies with Section 552.024 or 552.1175;

2-5 (9) a current or former juvenile probation or
 2-6 supervision officer certified by the Texas Juvenile Justice
 2-7 Department, or the predecessors in function of the department,
 2-8 under Title 12, Human Resources Code, regardless of whether the
 2-9 current or former officer complies with Section 552.024 or
 2-10 552.1175;

2-11 (10) a current or former employee of a juvenile
 2-12 justice program or facility, as those terms are defined by Section
 2-13 261.405, Family Code, regardless of whether the current or former
 2-14 employee complies with Section 552.024 or 552.1175;

2-15 (11) a current or former member of the Texas military
 2-16 forces, as that term is defined by Section 437.001;

2-17 (12) a current or former district attorney, criminal
 2-18 district attorney, or county or municipal attorney whose
 2-19 jurisdiction includes any criminal law or child protective services
 2-20 matters, regardless of whether the current or former attorney
 2-21 complies with Section 552.024 or 552.1175; ~~or~~

2-22 (13) a current or former employee of a district
 2-23 attorney, criminal district attorney, or county or municipal
 2-24 attorney whose jurisdiction includes any criminal law or child
 2-25 protective services matters, regardless of whether the current or
 2-26 former employee complies with Section 552.024 or 552.1175;

2-27 (14) ~~[(12)]~~ a current or former employee of the Texas
 2-28 Civil Commitment Office or of the predecessor in function of the
 2-29 office or a division of the office, regardless of whether the
 2-30 current or former employee complies with Section 552.024 or
 2-31 552.1175;

2-32 (15) ~~[(12)]~~ a current or former federal judge or state
 2-33 judge, as those terms are defined by Section 13.0021(a), Election
 2-34 Code, or a spouse of a current or former federal judge or state
 2-35 judge; or

2-36 (16) a current or former child protective services
 2-37 caseworker, adult protective services caseworker, or investigator
 2-38 for the Department of Family and Protective Services, regardless of
 2-39 whether the caseworker or investigator complies with Section
 2-40 552.024 or 552.1175, or a current or former employee of a department
 2-41 contractor performing child protective services caseworker, adult
 2-42 protective services caseworker, or investigator functions for the
 2-43 contractor on behalf of the department ~~[(13) a current or former~~
 2-44 ~~district attorney, criminal district attorney, or county attorney~~
 2-45 ~~whose jurisdiction includes any criminal law or child protective~~
 2-46 ~~services matter].~~

2-47 SECTION 2. The heading to Section 552.1175, Government
 2-48 Code, is amended to read as follows:

2-49 Sec. 552.1175. EXCEPTION: CONFIDENTIALITY OF CERTAIN
 2-50 PERSONAL IDENTIFYING INFORMATION OF PEACE OFFICERS AND OTHER
 2-51 OFFICIALS PERFORMING SENSITIVE GOVERNMENTAL FUNCTIONS ~~[, COUNTY~~
 2-52 ~~JAILERS, SECURITY OFFICERS, EMPLOYEES OF CERTAIN STATE AGENCIES OR~~
 2-53 ~~CERTAIN CRIMINAL OR JUVENILE JUSTICE AGENCIES OR OFFICES, AND~~
 2-54 ~~FEDERAL AND STATE JUDGES].~~

2-55 SECTION 3. Section 552.1175(a), Government Code, is amended
 2-56 to read as follows:

2-57 (a) This section applies only to:

2-58 (1) peace officers as defined by Article 2.12, Code of
 2-59 Criminal Procedure;

2-60 (2) county jailers as defined by Section 1701.001,
 2-61 Occupations Code;

2-62 (3) current or former employees of the Texas
 2-63 Department of Criminal Justice or of the predecessor in function of
 2-64 the department or any division of the department;

2-65 (4) commissioned security officers as defined by
 2-66 Section 1702.002, Occupations Code;

2-67 (5) a current or former district attorney, criminal
 2-68 district attorney, or county or municipal attorney whose
 2-69 jurisdiction includes any criminal law or child protective services

3-1 matters;

3-2 (5-a) a current or former employee of a district
3-3 attorney, criminal district attorney, or county or municipal
3-4 attorney whose jurisdiction includes any criminal law or child
3-5 protective services matters;

3-6 (6) officers and employees of a community supervision
3-7 and corrections department established under Chapter 76 who perform
3-8 a duty described by Section 76.004(b);

3-9 (7) criminal investigators of the United States as
3-10 described by Article 2.122(a), Code of Criminal Procedure;

3-11 (8) police officers and inspectors of the United
3-12 States Federal Protective Service;

3-13 (9) current and former employees of the office of the
3-14 attorney general who are or were assigned to a division of that
3-15 office the duties of which involve law enforcement;

3-16 (10) current or former juvenile probation and
3-17 detention officers certified by the Texas Juvenile Justice
3-18 Department, or the predecessors in function of the department,
3-19 under Title 12, Human Resources Code;

3-20 (11) current or former employees of a juvenile justice
3-21 program or facility, as those terms are defined by Section 261.405,
3-22 Family Code;

3-23 (12) current or former employees of the Texas Juvenile
3-24 Justice Department or the predecessors in function of the
3-25 department;

3-26 (13) federal judges and state judges as defined by
3-27 Section 13.0021, Election Code; ~~and~~

3-28 (14) current or former employees of the Texas Civil
3-29 Commitment Office or of the predecessor in function of the office or
3-30 a division of the office; and

3-31 (15) a current or former child protective services
3-32 caseworker, adult protective services caseworker, or investigator
3-33 for the Department of Family and Protective Services or a current or
3-34 former employee of a department contractor performing child
3-35 protective services caseworker, adult protective services
3-36 caseworker, or investigator functions for the contractor on behalf
3-37 of the department.

3-38 SECTION 4. Section 25.025(a), Tax Code, as amended by
3-39 Chapters 34 (S.B. 1576), 41 (S.B. 256), 193 (S.B. 510), 1006 (H.B.
3-40 1278), and 1145 (H.B. 457), Acts of the 85th Legislature, Regular
3-41 Session, 2017, is reenacted and amended to read as follows:

3-42 (a) This section applies only to:

3-43 (1) a current or former peace officer as defined by
3-44 Article 2.12, Code of Criminal Procedure, and the spouse or
3-45 surviving spouse of the peace officer;

3-46 (2) the adult child of a current peace officer as
3-47 defined by Article 2.12, Code of Criminal Procedure;

3-48 (3) a county jailer as defined by Section 1701.001,
3-49 Occupations Code;

3-50 (4) an employee of the Texas Department of Criminal
3-51 Justice;

3-52 (5) a commissioned security officer as defined by
3-53 Section 1702.002, Occupations Code;

3-54 (6) an individual who shows that the individual, the
3-55 individual's child, or another person in the individual's household
3-56 is a victim of family violence as defined by Section 71.004, Family
3-57 Code, by providing:

3-58 (A) a copy of a protective order issued under
3-59 Chapter 85, Family Code, or a magistrate's order for emergency
3-60 protection issued under Article 17.292, Code of Criminal Procedure;
3-61 or

3-62 (B) other independent documentary evidence
3-63 necessary to show that the individual, the individual's child, or
3-64 another person in the individual's household is a victim of family
3-65 violence;

3-66 (7) ~~(6)~~ an individual who shows that the individual,
3-67 the individual's child, or another person in the individual's
3-68 household is a victim of sexual assault or abuse, stalking, or
3-69 trafficking of persons by providing:

4-1 (A) a copy of a protective order issued under
4-2 Chapter 7A or Article 6.09, Code of Criminal Procedure, or a
4-3 magistrate's order for emergency protection issued under Article
4-4 17.292, Code of Criminal Procedure; or
4-5 (B) other independent documentary evidence
4-6 necessary to show that the individual, the individual's child, or
4-7 another person in the individual's household is a victim of sexual
4-8 assault or abuse, stalking, or trafficking of persons;
4-9 (8) [~~7~~] a participant in the address
4-10 confidentiality program administered by the attorney general under
4-11 Subchapter C, Chapter 56, Code of Criminal Procedure, who provides
4-12 proof of certification under Article 56.84, Code of Criminal
4-13 Procedure;
4-14 (9) [~~8~~] a federal judge, a state judge, or the
4-15 spouse of a federal judge or state judge;
4-16 (10) a current or former district attorney, criminal
4-17 district attorney, or county or municipal attorney whose
4-18 jurisdiction includes any criminal law or child protective services
4-19 matters;
4-20 (11) [~~9~~] a current or former employee of a district
4-21 attorney, criminal district attorney, or county or municipal
4-22 attorney whose jurisdiction includes any criminal law or child
4-23 protective services matters;
4-24 (12) [~~10~~] an officer or employee of a community
4-25 supervision and corrections department established under Chapter
4-26 76, Government Code, who performs a duty described by Section
4-27 76.004(b) of that code;
4-28 (13) [~~11~~] a criminal investigator of the United
4-29 States as described by Article 2.122(a), Code of Criminal
4-30 Procedure;
4-31 (14) [~~12~~] a police officer or inspector of the
4-32 United States Federal Protective Service;
4-33 (15) [~~13~~] a current or former United States attorney
4-34 or assistant United States attorney and the spouse and child of the
4-35 attorney;
4-36 (16) [~~14~~] a current or former employee of the office
4-37 of the attorney general who is or was assigned to a division of that
4-38 office the duties of which involve law enforcement;
4-39 (17) [~~15~~] a medical examiner or person who performs
4-40 forensic analysis or testing who is employed by this state or one or
4-41 more political subdivisions of this state;
4-42 (18) [~~16~~] a current or former member of the United
4-43 States armed forces who has served in an area that the president of
4-44 the United States by executive order designates for purposes of 26
4-45 U.S.C. Section 112 as an area in which armed forces of the United
4-46 States are or have engaged in combat;
4-47 (19) [~~17~~] a current or former employee of the Texas
4-48 Juvenile Justice Department or of the predecessors in function of
4-49 the department;
4-50 (20) [~~18~~] a current or former juvenile probation or
4-51 supervision officer certified by the Texas Juvenile Justice
4-52 Department, or the predecessors in function of the department,
4-53 under Title 12, Human Resources Code;
4-54 (21) [~~19~~] a current or former employee of a juvenile
4-55 justice program or facility, as those terms are defined by Section
4-56 261.405, Family Code; ~~and~~
4-57 (22) [~~18~~] a current or former employee of the Texas
4-58 Civil Commitment Office or of the predecessor in function of the
4-59 office or a division of the office;
4-60 (23) [~~18~~] a current or former employee of a federal
4-61 judge or state judge; and
4-62 (24) a current or former child protective services
4-63 caseworker, adult protective services caseworker, or investigator
4-64 for the Department of Family and Protective Services or a current or
4-65 former employee of a department contractor performing child
4-66 protective services caseworker, adult protective services
4-67 caseworker, or investigator functions for the contractor on behalf
4-68 of the department.
4-69 SECTION 5. The changes in law made by this Act to Sections

5-1 552.117 and 552.1175, Government Code, and Section 25.025, Tax
5-2 Code, apply only to a request for information that is received by a
5-3 governmental body or an officer on or after the effective date of
5-4 this Act. A request for information that was received before the
5-5 effective date of this Act is governed by the law in effect on the
5-6 date the request was received, and the former law is continued in
5-7 effect for that purpose.

5-8 SECTION 6. To the extent of any conflict, this Act prevails
5-9 over another Act of the 86th Legislature, Regular Session, 2019,
5-10 relating to nonsubstantive additions to and corrections in enacted
5-11 codes.

5-12 SECTION 7. This Act takes effect immediately if it receives
5-13 a vote of two-thirds of all the members elected to each house, as
5-14 provided by Section 39, Article III, Texas Constitution. If this
5-15 Act does not receive the vote necessary for immediate effect, this
5-16 Act takes effect September 1, 2019.

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