

1-1 By: Zaffirini S.B. No. 56
1-2 (In the Senate - Filed November 9, 2020; March 3, 2021, read
1-3 first time and referred to Committee on State Affairs;
1-4 April 1, 2021, reported favorably by the following vote: Yeas 9,
1-5 Nays 0; April 1, 2021, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	Hughes	X		
1-9	Birdwell	X		
1-10	Campbell	X		
1-11	Hall	X		
1-12	Lucio	X		
1-13	Nelson	X		
1-14	Powell	X		
1-15	Schwertner	X		
1-16	Zaffirini	X		

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

1-19 relating to the availability of personal information of a current
1-20 or former federal prosecutor or public defender.

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

1-22 SECTION 1. Section 552.117(a), Government Code, as
1-23 reenacted and amended by Chapters 367 (H.B. 1351), 633 (S.B. 1494),
1-24 1146 (H.B. 2910), 1213 (S.B. 662), and 1245 (H.B. 2446), Acts of the
1-25 86th Legislature, Regular Session, 2019, is reenacted and amended
1-26 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 United States
 2-16 Army, Navy, Air Force, Coast Guard, or Marine Corps, an auxiliary
 2-17 service of one of those branches of the armed forces, or the Texas
 2-18 military forces, as that term is defined by Section 437.001;

2-19 (12) a current or former district attorney, criminal
 2-20 district attorney, or county or municipal attorney whose
 2-21 jurisdiction includes any criminal law or child protective services
 2-22 matters, regardless of whether the current or former attorney
 2-23 complies with Section 552.024 or 552.1175;

2-24 (13) a current or former employee of a district
 2-25 attorney, criminal district attorney, or county or municipal
 2-26 attorney whose jurisdiction includes any criminal law or child
 2-27 protective services matters, regardless of whether the current or
 2-28 former employee complies with Section 552.024 or 552.1175;

2-29 (14) a current or former employee of the Texas Civil
 2-30 Commitment Office or of the predecessor in function of the office or
 2-31 a division of the office, regardless of whether the current or
 2-32 former employee complies with Section 552.024 or 552.1175; ~~[or]~~

2-33 (15) a current or former federal judge or state judge,
 2-34 as those terms are defined by Section 1.005, Election Code, or a
 2-35 spouse of a current or former federal judge or state judge;

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; ~~[or]~~

2-44 (17) ~~[(16)]~~ a state officer elected statewide or a
 2-45 member of the legislature, regardless of whether the officer or
 2-46 member complies with Section 552.024 or 552.1175;

2-47 (18) ~~[(16)]~~ a current or former United States
 2-48 attorney, ~~[or]~~ assistant United States attorney, federal public
 2-49 defender, deputy federal public defender, or assistant federal
 2-50 public defender and the spouse or child of the current or former
 2-51 attorney or public defender, regardless of whether the person
 2-52 complies with Section 552.024 or 552.1175; or

2-53 (19) ~~[(16)]~~ a firefighter or volunteer firefighter or
 2-54 emergency medical services personnel as defined by Section 773.003,
 2-55 Health and Safety Code, regardless of whether the firefighter or
 2-56 volunteer firefighter or emergency medical services personnel
 2-57 comply with Section 552.024 or 552.1175, as applicable.

2-58 SECTION 2. Section 552.1175(a), Government Code, as amended
 2-59 by Chapters 367 (H.B. 1351), 633 (S.B. 1494), 1146 (H.B. 2910), 1213
 2-60 (S.B. 662), and 1245 (H.B. 2446), Acts of the 86th Legislature,
 2-61 Regular Session, 2019, is reenacted and amended to read as follows:

2-62 (a) This section applies only to:

2-63 (1) peace officers as defined by Article 2.12, Code of
 2-64 Criminal Procedure, or special investigators as described by
 2-65 Article 2.122, Code of Criminal Procedure;

2-66 (2) county jailers as defined by Section 1701.001,
 2-67 Occupations Code;

2-68 (3) current or former employees of the Texas
 2-69 Department of Criminal Justice or of the predecessor in function of

3-1 the department or any division of the department;
 3-2 (4) commissioned security officers as defined by
 3-3 Section 1702.002, Occupations Code;
 3-4 (5) a current or former district attorney, criminal
 3-5 district attorney, or county or municipal attorney whose
 3-6 jurisdiction includes any criminal law or child protective services
 3-7 matters;
 3-8 (5-a) a current or former employee of a district
 3-9 attorney, criminal district attorney, or county or municipal
 3-10 attorney whose jurisdiction includes any criminal law or child
 3-11 protective services matters;
 3-12 (6) officers and employees of a community supervision
 3-13 and corrections department established under Chapter 76 who perform
 3-14 a duty described by Section 76.004(b);
 3-15 (7) criminal investigators of the United States as
 3-16 described by Article 2.122(a), Code of Criminal Procedure;
 3-17 (8) police officers and inspectors of the United
 3-18 States Federal Protective Service;
 3-19 (9) current and former employees of the office of the
 3-20 attorney general who are or were assigned to a division of that
 3-21 office the duties of which involve law enforcement;
 3-22 (10) current or former juvenile probation and
 3-23 detention officers certified by the Texas Juvenile Justice
 3-24 Department, or the predecessors in function of the department,
 3-25 under Title 12, Human Resources Code;
 3-26 (11) current or former employees of a juvenile justice
 3-27 program or facility, as those terms are defined by Section 261.405,
 3-28 Family Code;
 3-29 (12) current or former employees of the Texas Juvenile
 3-30 Justice Department or the predecessors in function of the
 3-31 department;
 3-32 (13) federal judges and state judges as defined by
 3-33 Section 1.005, Election Code;
 3-34 (14) current or former employees of the Texas Civil
 3-35 Commitment Office or of the predecessor in function of the office or
 3-36 a division of the office; ~~and~~
 3-37 (15) a current or former member of the United States
 3-38 Army, Navy, Air Force, Coast Guard, or Marine Corps, an auxiliary
 3-39 service of one of those branches of the armed forces, or the Texas
 3-40 military forces, as that term is defined by Section 437.001;
 3-41 (16) ~~[(15)]~~ a current or former child protective
 3-42 services caseworker, adult protective services caseworker, or
 3-43 investigator for the Department of Family and Protective Services
 3-44 or a current or former employee of a department contractor
 3-45 performing child protective services caseworker, adult protective
 3-46 services caseworker, or investigator functions for the contractor
 3-47 on behalf of the department; ~~and~~
 3-48 (17) ~~[(15)]~~ state officers elected statewide and
 3-49 members of the legislature;
 3-50 (18) ~~[(15)]~~ a firefighter or volunteer firefighter or
 3-51 emergency medical services personnel as defined by Section 773.003,
 3-52 Health and Safety Code; and
 3-53 (19) a current or former United States attorney,
 3-54 assistant United States attorney, federal public defender, deputy
 3-55 federal public defender, or assistant federal public defender.
 3-56 SECTION 3. Section 25.025(a), Tax Code, as amended by
 3-57 Chapters 467 (H.B. 4170), 469 (H.B. 4173), 633 (S.B. 1494), 1213
 3-58 (S.B. 662), and 1245 (H.B. 2446), Acts of the 86th Legislature,
 3-59 Regular Session, 2019, is reenacted and amended to read as follows:
 3-60 (a) This section applies only to:
 3-61 (1) a current or former peace officer as defined by
 3-62 Article 2.12, Code of Criminal Procedure, and the spouse or
 3-63 surviving spouse of the peace officer;
 3-64 (2) the adult child of a current peace officer as
 3-65 defined by Article 2.12, Code of Criminal Procedure;
 3-66 (3) a county jailer as defined by Section 1701.001,
 3-67 Occupations Code;
 3-68 (4) an employee of the Texas Department of Criminal
 3-69 Justice;

- 4-1 (5) a commissioned security officer as defined by
 4-2 Section 1702.002, Occupations Code;
- 4-3 (6) an individual who shows that the individual, the
 4-4 individual's child, or another person in the individual's household
 4-5 is a victim of family violence as defined by Section 71.004, Family
 4-6 Code, by providing:
- 4-7 (A) a copy of a protective order issued under
 4-8 Chapter 85, Family Code, or a magistrate's order for emergency
 4-9 protection issued under Article 17.292, Code of Criminal Procedure;
 4-10 or
- 4-11 (B) other independent documentary evidence
 4-12 necessary to show that the individual, the individual's child, or
 4-13 another person in the individual's household is a victim of family
 4-14 violence;
- 4-15 (7) an individual who shows that the individual, the
 4-16 individual's child, or another person in the individual's household
 4-17 is a victim of sexual assault or abuse, stalking, or trafficking of
 4-18 persons by providing:
- 4-19 (A) a copy of a protective order issued under
 4-20 Subchapter A or B, Chapter 7B, Code of Criminal Procedure, or a
 4-21 magistrate's order for emergency protection issued under Article
 4-22 17.292, Code of Criminal Procedure; or
- 4-23 (B) other independent documentary evidence
 4-24 necessary to show that the individual, the individual's child, or
 4-25 another person in the individual's household is a victim of sexual
 4-26 assault or abuse, stalking, or trafficking of persons;
- 4-27 (8) a participant in the address confidentiality
 4-28 program administered by the attorney general under Subchapter B,
 4-29 Chapter 58, Code of Criminal Procedure, who provides proof of
 4-30 certification under Article 58.059, Code of Criminal Procedure;
- 4-31 (9) a federal judge, a state judge, or the spouse of a
 4-32 federal judge or state judge;
- 4-33 (10) a current or former district attorney, criminal
 4-34 district attorney, or county or municipal attorney whose
 4-35 jurisdiction includes any criminal law or child protective services
 4-36 matters;
- 4-37 (11) a current or former employee of a district
 4-38 attorney, criminal district attorney, or county or municipal
 4-39 attorney whose jurisdiction includes any criminal law or child
 4-40 protective services matters;
- 4-41 (12) an officer or employee of a community supervision
 4-42 and corrections department established under Chapter 76,
 4-43 Government Code, who performs a duty described by Section 76.004(b)
 4-44 of that code;
- 4-45 (13) a criminal investigator of the United States as
 4-46 described by Article 2.122(a), Code of Criminal Procedure;
- 4-47 (14) a police officer or inspector of the United
 4-48 States Federal Protective Service;
- 4-49 (15) a current or former United States attorney, ~~or~~
 4-50 assistant United States attorney, federal public defender, deputy
 4-51 federal public defender, or assistant federal public defender and
 4-52 the spouse and child of the attorney or public defender;
- 4-53 (16) a current or former employee of the office of the
 4-54 attorney general who is or was assigned to a division of that office
 4-55 the duties of which involve law enforcement;
- 4-56 (17) a medical examiner or person who performs
 4-57 forensic analysis or testing who is employed by this state or one or
 4-58 more political subdivisions of this state;
- 4-59 (18) a current or former member of the United States
 4-60 armed forces who has served in an area that the president of the
 4-61 United States by executive order designates for purposes of 26
 4-62 U.S.C. Section 112 as an area in which armed forces of the United
 4-63 States are or have engaged in combat;
- 4-64 (19) a current or former employee of the Texas
 4-65 Juvenile Justice Department or of the predecessors in function of
 4-66 the department;
- 4-67 (20) a current or former juvenile probation or
 4-68 supervision officer certified by the Texas Juvenile Justice
 4-69 Department, or the predecessors in function of the department,

5-1 under Title 12, Human Resources Code;
5-2 (21) a current or former employee of a juvenile
5-3 justice program or facility, as those terms are defined by Section
5-4 261.405, Family Code;
5-5 (22) a current or former employee of the Texas Civil
5-6 Commitment Office or the predecessor in function of the office or a
5-7 division of the office; ~~and~~
5-8 (23) a current or former employee of a federal judge or
5-9 state judge;
5-10 (24) a current or former child protective services
5-11 caseworker, adult protective services caseworker, or investigator
5-12 for the Department of Family and Protective Services or a current or
5-13 former employee of a department contractor performing child
5-14 protective services caseworker, adult protective services
5-15 caseworker, or investigator functions for the contractor on behalf
5-16 of the department; ~~and~~
5-17 (25) ~~(24)~~ a state officer elected statewide or a
5-18 member of the legislature; and
5-19 (26) ~~(24)~~ a firefighter or volunteer firefighter or
5-20 emergency medical services personnel as defined by Section 773.003,
5-21 Health and Safety Code.
5-22 SECTION 4. The changes in law made by this Act to Sections
5-23 552.117 and 552.1175, Government Code, and Section 25.025, Tax
5-24 Code, apply only to a request for information that is received by a
5-25 governmental body or an officer on or after the effective date of
5-26 this Act. A request for information that was received before the
5-27 effective date of this Act is governed by the law in effect on the
5-28 date the request was received, and the former law is continued in
5-29 effect for that purpose.
5-30 SECTION 5. To the extent of any conflict, this Act prevails
5-31 over another Act of the 87th Legislature, Regular Session, 2021,
5-32 relating to nonsubstantive additions to and corrections in enacted
5-33 codes.
5-34 SECTION 6. This Act takes effect immediately if it receives
5-35 a vote of two-thirds of all the members elected to each house, as
5-36 provided by Section 39, Article III, Texas Constitution. If this
5-37 Act does not receive the vote necessary for immediate effect, this
5-38 Act takes effect September 1, 2021.

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