

BILL ANALYSIS

C.S.H.B. 1725
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Judiciary & Civil Jurisprudence
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties contend that certain persons may abuse state public information law to obtain the personal information of individuals who receive a traffic citation, which is then used in the commission of conduct constituting barratry. C.S.H.B. 1725 seeks to combat this exploitative practice by excepting certain personal information contained in a traffic citation from the public-availability requirement of state public information law.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 1725 amends the Government Code to except information contained in a citation issued for a violation of a state traffic law or local traffic ordinance from the public-availability requirement of state public information law if the information is the home address or personal telephone number of the person who is the subject of a citation. The bill requires such information to be made available on the request of a radio or television station that holds a license issued by the Federal Communications Commission or a newspaper that is a free newspaper of general circulation or qualified under state law to publish certain legal notices, that is published at least once a week, and that is available and of interest to the general public in connection with the dissemination of news.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2017.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 1725 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

SECTION 1. Subchapter C, Chapter 552,

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Subchapter C, Chapter 552,

85R 23232

17.102.921

Substitute Document Number: 85R 20510

Government Code, is amended by adding Section 552.1082 to read as follows:

Sec. 552.1082. EXCEPTION: CERTAIN PERSONAL INFORMATION FROM TRAFFIC VIOLATION RECORDS.

Information contained in a citation issued for a violation of a state traffic law or local traffic ordinance is excepted from the requirements of Section 552.021 if the information is the home address or personal telephone number of the person who is the subject of a citation.

SECTION 2. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2017.

Government Code, is amended by adding Section 552.1082 to read as follows:

Sec. 552.1082. EXCEPTION: CERTAIN PERSONAL INFORMATION FROM TRAFFIC VIOLATION RECORDS.

(a) Except as provided by Subsection (b), information contained in a citation issued for a violation of a state traffic law or local traffic ordinance is excepted from the requirements of Section 552.021 if the information is the home address or personal telephone number of the person who is the subject of a citation.

(b) Information described by Subsection (a) shall be made available on the request of:

(1) a radio or television station that holds a license issued by the Federal Communications Commission; or

(2) a newspaper that is:

(A) a free newspaper of general circulation or qualified under Section 2051.044 to publish legal notices;

(B) published at least once a week; and

(C) available and of interest to the general public in connection with the dissemination of news.

SECTION 2. Same as introduced version.