

SUBJECT: Excepting personal information of prosecutors from open records

COMMITTEE: State Affairs — favorable, without amendment

VOTE: 5 ayes — Swinford, Miller, B. Cook, J. Keffer, Wong

0 nays

4 absent — Farrar, Gattis, Martinez Fischer, Villarreal

SENATE VOTE: On final passage, April 17 — 30-0

WITNESSES: No public hearing

BACKGROUND: Government Code, ch. 552, also known as the Public Information Act, provides for public access to records maintained by state and local governments. Sec. 552.1175 excepts from disclosure the social security numbers, home addresses, telephone numbers, and family information of current peace officers, current county jailers, current and former employees of the Texas Department of Criminal Justice, and commissioned security officers who elect to restrict public access to this information. Sec. 552.024 excepts the same information from public disclosure for government employees who elect to keep the information confidential within 14 days of beginning employment.

DIGEST: SB 450 would except from public disclosure, upon request, the social security numbers, home addresses, telephone numbers, and family information of employees of a district attorney, criminal district attorney, or county or city attorney whose jurisdiction included any criminal law or child protective services matter.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2005.

SUPPORTERS SAY: Criminal prosecutors often are at risk of harassment and retaliation from the defendants they prosecute. However, under current law, these government employees may make personal information about themselves

and their families confidential only during the first 14 days of their employment. If they fail to make this information confidential during those first two weeks - for example, because they were unaware of the option - they do not have another opportunity. By making personal information about these prosecutors confidential upon request at any time, SB 450 would help to ensure the safety of prosecutors and their families.

OPPONENTS
SAY:

No apparent opposition.