

SUBJECT: Redacting home addresses from judicial financial disclosure statements

COMMITTEE: State Affairs — favorable, without amendment

VOTE: 8 ayes — Swinford, Paxton, Christian, B. Cook, Farrar, Flynn, Parker, Veasey

0 nays

1 absent — Van Arsdale

WITNESSES: For — None

Against — (*Registered, but did not testify:* Fred Hartman, Texas Daily Newspaper Association and Texas Press Association)

On — Tim Sorrells, Texas Ethics Commission

BACKGROUND: Government Code, ch. 572 requires state judges and other elected and appointed state officeholders to file financial statements with the Texas Ethics Commission. The filer must include a description of real property owned by the official, listing the street address, if available, or the number of lots or acres and the name of the county where the property is located. County judges are subject to the same reporting requirements but may choose to file the statement with either the county clerk or the ethics commission.

Under Government Code, sec. 572.032, these financial statements are public records.

DIGEST: HB 842 would amend sec. 572.032 to require the Texas Ethics Commission to redact home addresses from judicial financial disclosure statements before allowing a member of the public to view the statement.

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, 2007.

SUPPORTERS
SAY:

Redacting a judge's home address from state financial disclosure statements would help restore the peace of mind of the judiciary and protect the integrity of the judicial system. Judges afraid for their safety cannot perform adequately the considerable responsibilities of the office. Threats of violence and intimidation compromise not only the safety of judicial officers and their families but the independence of the judiciary.

A recent survey on court security conducted by the Office of Court Administration indicated that one of the top three concerns reported by judges was the ease of access to a judge's personal information. This same survey reported that trial court judges across the state experienced more than 4,000 security incidents in their courtrooms and chambers between September 2004 and August 2005.

In 2005, U.S. District Judge Joan Lefkow of Chicago found her husband and mother shot to death in the basement of her home. The murderer was later found to be the plaintiff in a medical malpractice case Lefkow had dismissed. The recent increase in violence against judges and their families, including the murder of Judge Lefkow's family, encouraged Congress to pass the Court Security Improvement Act of 2006 (H.R. 1751). The Act provides for redacting a federal judge's personal information from financial disclosure reports among other provisions.

State judicial officers are equally vulnerable to breaches in their security. Last year, a man opened fire in front of Smith County courthouse in Tyler, Texas. The man's ex-wife and a local resident that tried to intervene were murdered at the scene. Two sheriff deputies and the man's son were wounded. At the time of the incident, the ex-wife and son were approaching the courthouse for a hearing regarding the man's failure to pay child support and their 2004 divorce. Courthouses have since increased security measures, and Texas judges have also taken personal precautions in response to the publicized acts of violence.

Judicial officers are responsible for overseeing legal proceedings and making determinations in accordance with federal, state, and local laws. However, in this same capacity, judges determine the future of people's lives. Legal proceedings can become emotionally charged and can lead to the injury or death of those involved. The simple step of redacting home addresses to make it less easy to obtain information about where a judge resides potentially could save lives.

OPPONENTS
SAY:

HB 842 would create a privileged class of elected officials. The law requires all state elected officers to submit financial disclosure statements to the Texas Ethics Commission. Other state officers, being equally susceptible to public criticism and who may also feel threatened, would not share this same dispensation.

The recently publicized events of violence in the national and local media understandably raise safety concerns for judges across the state, but when an individual voluntarily assumes the position of a state officer that person also assumes the responsibility for transparency and accessibility.

NOTES:

According to the fiscal note, there are about 8,500 judicial filers with the Texas Ethics Commission. Hiring temporary staff to complete the necessary redactions would cost an estimated \$25,696 in general revenue in fiscal 2008.

The State Affairs Committee originally recommended that HB 842 be sent to the Local and Consent Calendars Committee, which transferred it to the Calendars Committee.

A related bill, HB 41 by Paxton, which would allow state and federal judges and members of the Legislature to delete their residence address from voter registration and tax appraisal records and to use their courthouse or district office address on their concealed handgun license, was reported favorably, as substituted, by the Local Government Ways and Means Committee on March 22 and has been set on Thursday's Local, Consent, and Resolutions Calendar.