

BILL ANALYSIS

Senate Research Center

H.B. 1632
By: Fletcher (Paxton)
State Affairs
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

In order to protect the safety of certain officers and employees who serve the criminal justice system, as well as their families, from criminal cartels, prison gangs, and others who may wish to do those officers or employees harm, observers point to the importance of preventing such criminals from gaining access to any information that personally identifies those officers or employees. The proliferation of personal information available on the Internet can undermine efforts to protect the officers and employees and jeopardize their ability to protect their own families. Although recent legislation protects certain personal information for these officers and employees from public disclosure, concerned parties note that this legislation did not address the date of birth and that such an oversight leaves a gap in the efforts to protect the safety of the officers and employees. H.B. 1632 removes from public disclosure additional identifying information for certain officers and employees who serve the justice system.

H.B. 1632 amends current law relating to the confidentiality of certain identifying information of peace officers, county jailers, security officers, employees of the Texas Department of Criminal Justice or a prosecutor's office, or judges and their spouses.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 13.004(c), Election Code, as follows:

(c) Provides that the following information furnished on a registration application is confidential and does not constitute public information for purposes of Chapter 552 (Public Information), Government Code:

(1)-(4) Makes no change to these subdivisions; or

(5) the residence address of the applicant, if the applicant is a federal judge or state judge, as defined by Section 13.0021 (Additional Registration Information from Certain Federal and State Judges), the spouse of a federal judge or state judge, or an individual to whom Section 552.1175 (Confidentiality of Addresses, Telephone Numbers, Social Security Numbers, and Personal Family Information of Peace Officers, County Jailers, Security Officers, and Employees of the Texas Department of Criminal Justice or a Prosecutor's Office), Government Code, applies and the applicant:

(A) included an affidavit with the registration application describing the applicant's status under this subdivision, including an affidavit under Section 13.0021 if the applicant is a federal judge or state judge or the spouse of a federal judge or state judge;

(B) provided the registrar with an affidavit describing the applicant's status under this subdivision, including an affidavit under Section 15.0215

(Notice of Federal Judge or State Judge Status) if the applicant is a federal judge or state judge or the spouse of a federal judge or state judge, rather than the registrar has received an affidavit submitted under Section 15.0215; or

(C) provided the registrar with a completed form approved by the secretary of state for the purpose of notifying the registrar of the applicant's status under this subdivision.

Makes nonsubstantive changes.

SECTION 2. Amends the heading to Section 552.1175, Government Code, to read as follows:

Sec. 552.1175. CONFIDENTIALITY OF CERTAIN IDENTIFYING INFORMATION OF PEACE OFFICERS, COUNTY JAILERS, SECURITY OFFICERS, AND EMPLOYEES OF THE TEXAS DEPARTMENT OF CRIMINAL JUSTICE OR A PROSECUTOR'S OFFICE.

SECTION 3. Amends Sections 552.1175(b) and (e), Government Code, as follows:

(b) Provides that certain information relating to an individual to whom this section applies, including a date of birth, is confidential and is prohibited from being disclosed to the public under this chapter if the individual to whom the information relates chooses to restrict public access to the information, and notifies the governmental body of the individual's choice on a form provided by the governmental body, accompanied by evidence of the individual's status.

(e) Provides that all documents filed with a county clerk and all documents filed with a district clerk are exempt from this section, except that the county clerk or district clerk are authorized to redact the street address of an individual to whom this section applies from a document filed with the clerk without the necessity of requesting a decision from the attorney general under Subchapter G (Attorney General Decisions) at the request of the individual, if that individual identifies to the clerk the specific document containing the address.

SECTION 4. Effective date: upon passage or September 1, 2013.