

BILL ANALYSIS

Senate Research Center
87R2336 BEF-D

S.B. 56
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AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Federal prosecutors and public defenders routinely interact with persons with criminal records who are potentially dangerous. Distressingly, disgruntled defendants may easily access their personal information, or the personal information of their family members, in various public records.

Although current law includes confidentiality protections for the personal information of district and county attorneys; local, state, and federal judges; and other court personnel, federal prosecutors and public defenders are not afforded these protections despite facing similar safety risks. S.B. 56 would address this problem by including federal prosecutors and public defenders on the list of persons whose personal information is not accessible by the public. This would ensure they are able to serve their important functions in the criminal justice system without them or their loved ones suffering harm as a result.

As proposed, S.B. 56 amends current law relating to the availability of personal information of a current or former federal prosecutor or public defender.

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. Reenacts Section 552.117(a), Government Code, as reenacted and amended by Chapters 367 (H.B. 1351), 633 (S.B. 1494), 1146 (H.B. 2910), 1213 (S.B. 662), and 1245 (H.B. 2446), Acts of the 86th Legislature, Regular Session, 2019, and amends it as follows:

(a) Provides that information is excepted from the requirements of Section 552.021 (Availability of Public Information) if it is information that relates to certain personal information of certain law enforcement officials or employees, including a current or former United States attorney, assistant United States attorney, federal public defender, deputy federal public defender, or assistant federal public defender and the spouse or child of such officials, regardless of whether the person complies with Section 552.024 (Electing to Disclose Address and Telephone Number) or Section 552.1175 (Exception: Confidentiality of Certain Personal Identifying Information of Peace Officers and Other Officials Performing Sensitive Governmental Functions). Makes nonsubstantive changes.

SECTION 2. Reenacts Section 552.1175(a), Government Code, as amended by Chapters 367 (H.B. 1351), 633 (S.B. 1494), 1146 (H.B. 2910), 1213 (S.B. 662), and 1245 (H.B. 2446), Acts of the 86th Legislature, Regular Session, 2019, and amends it as follows:

(a) Provides that Section 552.1175 applies only to certain law enforcement officials or employees, including a current or former United States attorney, assistant United States attorney, federal public defender, deputy federal public defender, or assistant federal public defender. Makes nonsubstantive changes.

SECTION 3. Reenacts Section 25.025(a), Tax Code, as amended by Chapters 467 (H.B. 4170), 469 (H.B. 4173), 633 (S.B. 1494), 1213 (S.B. 662), and 1245 (H.B. 2446), Acts of the 86th Legislature, Regular Session, 2019, and amends it as follows:

(a) Provides that Section 25.025 (Confidentiality of Certain Home Address Information) applies only to certain individuals, including a current or former federal public defender, deputy federal public defender, or assistant federal public defender and the spouse and child of such individuals. Makes nonsubstantive changes.

SECTION 4. Makes application of Sections 552.117 and 552.1175, Government Code, and Section 25.025, Tax Code, as amended by this Act, prospective.

SECTION 5. Provides that, to the extent of any conflict, this Act prevails over another Act of the 87th Legislature, Regular Session, 2021, relating to nonsubstantive additions to and corrections in enacted codes.

SECTION 6. Effective date: upon passage or September 1, 2021.