

BILL ANALYSIS

Senate Research Center
86R2091 CAE-F

C.S.S.B. 489
By: Zaffirini
State Affairs
3/6/2019
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

In response to the horrific attack against Judge Julie Kocurek, the legislature passed S.B. 42 by Senator Zaffirini in 2017. S.B. 42 contained a section requiring the Texas Ethics Commission (TEC) to redact the residential address of a federal or state judge or the spouse of a federal or state judge from any financial statement or information derived from a financial statement. Judges have informed the Office of Court Administration (OCA) that this provision does not include redaction from other campaign reports filed with the commission. What's more, under current law a county clerk can only redact a judge's personal information from deeds or deeds of trust. There are several other categories of documents, however, that also contain such personal information, including home equity security instruments, releases of lien, special powers of attorney, releases of mortgage, and lost note affidavits.

S.B. 489 would direct the TEC to remove a judge's or judge's spouse's personal information from the judge's campaign reports made available for inspection or posted online upon a written request from the judge or notification from the OCA that a person qualified for judicial office. This would close a loophole in existing law, which specifies personal financial statements must be redacted but not campaign reports, making it harder for bad actors to find judges' personal information online. What's more, S.B. 489 would require a county clerk to redact from any documents published online by the county clerk the social security number, driver's license number, and residence address of a federal judge, state judge, or spouse of the federal or state judge upon receipt of a written redaction request by the judge or the judge's spouse. This would ensure that a judge's personal information can be removed from all documents posted on a county clerk's website. (Original Author's/Sponsor's Statement of Intent)

C.S.S.B. 489 amends current law relating to personal information that may be omitted from certain property records and political reports and to other court security measures.

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 Subchapter B, Chapter 254, Election Code, by adding Section 254.0313, as follows:

Sec. 254.0313. OMISSION OF ADDRESS FOR JUDGE AND SPOUSE. (a) Defines "federal judge" and "state judge."

(b) Requires the Texas Ethics Commission, upon receiving notice from the Office of Court Administration of the Texas Judicial System of a judge's qualification for office or upon receipt of a written request from a federal judge, state judge, or spouse of a federal or state judge, to remove or redact the residence address of the federal judge, state judge, or spouse of a federal or state judge from any report filed by the judge in the judge's capacity or made available on the Internet under Chapter 254 (Political Reporting).

SECTION 2. Amends Section 72.015, Government Code, by adding Subsection (d) to require the director of security and emergency preparedness to annually submit to the legislature a report on court security activities throughout the state supported by the judicial security division that includes certain information and certain recommendations.

SECTION 3. Amends Section 11.008(a), Property Code, to define "instrument" to mean a deed, deed of trust, or any other record recorded by a county clerk related to real property, including a mineral lease, a mechanic's lien, and the release of a mechanic's lien.

SECTION 4. Amends Section 25.025(b), Tax Code, to provide that information in appraisal records under Section 25.02 (Form and Content) is confidential and is available only for the official use of certain persons and entities if the individual is a federal or state judge, rather than a federal or state judge as defined by Section 572.002 (General Definitions), Government Code.

SECTION 5. Amends Section 521.121(c), Transportation Code, to require the Department of Public Safety of the State of Texas to establish a procedure, on a license holder's qualification as a federal or state judge as defined by Section 13.0021, Election Code, rather than Section 572.002, Government Code, to omit the residence address of the judge and the spouse of the judge on the license holder's license and to include, in lieu of that address, the street address of the courthouse in which the license holder or license holder's spouse serves as a federal or state judge.

SECTION 6. Makes application of Section 254.0313, Election Code, as added by this Act, prospective.

SECTION 7. Effective date: September 1, 2019.