

BILL ANALYSIS

Senate Research Center

H.B. 1061
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Criminal Justice
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Interested parties express concern that current law does not adequately protect law enforcement officials from acts of retaliation, specifically with respect to the dissemination of personal information. These parties point to recent incidents in which private data belonging to employees of certain law enforcement agencies, including social security numbers and passwords, was published online by a hacking group. H.B. 1061 seeks to help protect against this type of incident.

H.B. 1061 amends current law relating to the prosecution of the offense of interference with public duties.

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 38.15, Penal Code, by adding Subsections (d-1) and (d-2), as follows:

(d-1) Provides that, except as provided by Subsection (d-2), in a prosecution for an offense under Subsection (a)(1) (providing that a person commits an offense if the person with criminal negligence interrupts, disrupts, impedes, or otherwise interferes with a peace officer while the peace officer is performing a duty or exercising authority imposed or granted by law), there is a rebuttable presumption that the actor interferes with a peace officer if it is shown on the trial of the offense that the actor intentionally disseminated the home address, home telephone number, emergency contact information, or social security number of the officer or a family member of the officer or any other information that is specifically described by Section 552.117(a) (providing that certain information as set forth is excepted), Government Code.

(d-2) Provides that the presumption in Subsection (d-1) does not apply to information disseminated by:

- (1) a radio or television station that holds a license issued by the Federal Communications Commission; or
- (2) a newspaper that is:
 - (A) a free newspaper of general circulation or qualified to publish legal notices;
 - (B) published at least once a week; and
 - (C) available and of interest to the general public.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2015.