

## **BILL ANALYSIS**

Senate Research Center

S.B. 489  
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State Affairs  
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As Filed

### **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.

As proposed, 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 the judge's qualification for the judge's office or upon receipt of a written request from a federal judge, a state judge, or spouse of a federal or state judge, to remove or redact the residence address of a federal judge, a state judge, or the spouse of a federal or state judge before permitting a person to inspect a report filed under this chapter or making a report available on the Internet as required by Section 254.0401 (Availability of Reports on Internet).

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.

SECTION 3. Amends Section 11.008(j), Property Code, to require a county clerk, upon receipt of a written request from a federal judge, state judge as defined by Section 572.002 (General Definitions), Government Code, or a spouse of a federal or state judge to omit or redact any documents that are available in online database made public by the county clerk, rather than to omit or redact an instrument described by this section that is available in such a manner.

SECTION 4. Effective date: September 1, 2019.