

AN ACT

relating to military discharge records that are recorded with or otherwise in the possession of a governmental body.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter C, Chapter 552, Government Code, is amended by adding Section 552.140 to read as follows:

Sec. 552.140. MILITARY DISCHARGE RECORDS. (a) This section applies only to a military veteran's Department of Defense Form DD-214 or other military discharge record that is first recorded with or that otherwise first comes into the possession of a governmental body on or after September 1, 2003.

(b) The record is confidential for the 75 years following the date it is recorded with or otherwise first comes into the possession of a governmental body. During that period the governmental body may permit inspection or copying of the record or disclose information contained in the record only in accordance with this section or in accordance with a court order.

(c) On request and the presentation of proper identification, the following persons may inspect the military discharge record or obtain from the governmental body free of charge a copy or certified copy of the record:

- (1) the veteran who is the subject of the record;
- (2) the legal guardian of the veteran;
- (3) the spouse or a child or parent of the veteran or,

1 if there is no living spouse, child, or parent, the nearest living
2 relative of the veteran;

3 (4) the personal representative of the estate of the
4 veteran;

5 (5) the person named by the veteran, or by a person
6 described by Subdivision (2), (3), or (4), in an appropriate power
7 of attorney executed in accordance with Section 490, Chapter XII,
8 Texas Probate Code; or

9 (6) another governmental body.

10 (d) A court that orders the release of information under
11 this section shall limit the further disclosure of the information
12 and the purposes for which the information may be used.

13 (e) A governmental body that obtains information from the
14 record shall limit the governmental body's use and disclosure of
15 the information to the purpose for which the information was
16 obtained.

17 SECTION 2. Section 192.002, Local Government Code, is
18 amended by adding Subsection (c) to read as follows:

19 (c)(1) This subsection applies only in relation to a
20 military discharge record that is recorded with a county clerk
21 under this section before September 1, 2003.

22 (2) . The veteran who is the subject of the record or the
23 legal guardian of the veteran may direct, in writing, that the
24 county clerk destroy all copies of the record that the county clerk
25 makes readily available to the public for purposes of Section
26 191.006, such as paper copies of the record in the county courthouse
27 or a courthouse annex, microfilm or microfiche copies of the record

1 in the county courthouse or a courthouse annex, and electronic
2 copies of the record that are available to the public. The county
3 clerk shall comply with the direction within 15 business days after
4 the date the direction is received. The county clerk's compliance
5 does not violate any law of this state relating to the preservation,
6 destruction, or alienation of public records. The direction to
7 destroy the copies of the record, the county clerk's compliance,
8 and any delay between the time the direction is made and the time
9 the county clerk destroys the copies may not be used to limit or
10 restrict the public's access to the real property records of the
11 county.

12 (3) A county clerk who receives a request under
13 Chapter 552, Government Code, for inspection or duplication of a
14 military discharge record recorded before September 1, 2003, is
15 only required to search for the record in places where or media in
16 which the county clerk makes records readily available to the
17 public for purposes of Section 191.006, such as paper records
18 stored in the county courthouse or a courthouse annex, microfilmed
19 or microfiched records stored in the county courthouse or a
20 courthouse annex, and electronically stored records made available
21 to the public. This subdivision does not apply to a request made by
22 the veteran who is the subject of the military discharge record or
23 the legal guardian of the veteran.

24 SECTION 3. This Act takes effect September 1, 2003.

David Dewhurst

President of the Senate

Tom Cudde

Speaker of the House

I certify that H.B. No. 545 was passed by the House on April 10, 2003, by a non-record vote; and that the House concurred in Senate amendments to H.B. No. 545 on May 22, 2003, by a non-record vote.

Robert Haney
Chief Clerk of the House

I certify that H.B. No. 545 was passed by the Senate, with amendments, on May 20, 2003, by the following vote: Yeas 31, Nays 0.

Daisy Spaw
Secretary of the Senate

APPROVED: 20 JUN '03

Date

Rick Perry

Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
10:30 pm O'CLOCK

JUN 20 2003
Ann Spaw
Secretary of State