

HB492 ENGROSSED



1 N5CHJ8-2
2 By Representative Hill
3 RFD: Judiciary
4 First Read: 18-May-23
5 2023 Regular Session



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A BILL
TO BE ENTITLED
AN ACT

Relating to judges and justices; to prohibit government agencies, individuals, businesses, and associations from publicly posting or displaying judge's or justice's personal information on the Internet, provided they have received a written request from the judge or justice to refrain from doing so; to prohibit commercial data collectors from knowingly selling, trading, licensing, transferring, or purchasing judges' personal information; to provide for a process for a judge or justice to request their personal information not be made public; to provide for penalties for violations; and in connection therewith would have as its purpose or effect the requirement of a new or increased expenditure of local funds within the meaning of Section 111.05 of the Constitution of Alabama of 2022.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. This act shall be known as and may be cited as the Judicial Privacy Act.

Section 2. As used in this act, the following terms have the following meanings:



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29 (1) DATA BROKER.

30 a. A commercial entity engaged in collecting,
31 assembling, or maintaining personal information concerning an
32 individual who is not a customer, client, or an employee of
33 that entity in order to sell the information or otherwise
34 profit from providing third-party access to the information.

35 b. The term does not include a commercial entity
36 engaged in any of the following activities:

37 1. Reporting, news-gathering by a news-gathering
38 organization, speaking, or other activities intended to inform
39 the public on matters of public interest or concern. For the
40 purpose of this subdivision, a "news-gathering organization"
41 means any of the following:

42 (i) A newspaper, news publication, or news source,
43 printed or on an online platform, of current news and public
44 interest.

45 (ii) A radio broadcast station, television broadcast
46 station, or cable television operator.

47 2. Providing 411 directory assistance or directory
48 information services, including name, address, and telephone
49 number, on behalf of or as a function of a telecommunications
50 carrier.

51 3. Providing publicly available content via real-time
52 or near-real-time alert services for health or safety
53 purposes.

54 (2) GOVERNMENT AGENCY. An executive, legislative, or
55 judicial agency, department, board, commission, authority,
56 institution, or instrumentality of the federal government or



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57 of a state or of a county, municipality, or other political
58 subdivision of a state.

59 (3) IMMEDIATE FAMILY. A judicial officer's spouse,
60 child, parent, or any other relative of the judicial officer
61 or the judicial officer's spouse who lives in the same
62 residence.

63 (4) JUDICIAL OFFICER. Any individual who is currently
64 serving as, or has previously served as, any of the following:

- 65 a. Judge of the United States Circuit Court.
- 66 b. Judge of the United States District Court.
- 67 c. Judge of the United States Bankruptcy Court.
- 68 d. Justice the Alabama Supreme Court.
- 69 e. Judge of the Alabama Court of Criminal Appeals.
- 70 f. Judge of the Alabama Court of Civil Appeals.
- 71 g. Judge of an Alabama Circuit Court.
- 72 h. Judge of an Alabama District Court.
- 73 i. Judge of an Alabama Probate Court.
- 74 j. Judge of an Alabama Municipal Court.

75 (5) PERSON. Includes an individual, business, or
76 association.

77 (6) PERSONAL INFORMATION. Includes, but is not limited
78 to, all of the following:

- 79 a. Home address, including primary residence, secondary
80 residences, or an investment property.
- 81 b. Phone number, including a home number, a personal
82 cell number, a state-issued cell phone number, or a private
83 extension in the chambers of a judicial officer.
- 84 c. Personal email address.



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85 d. Social Security number.

86 e. Date of birth.

87 f. Driver license number.

88 g. Bank account information.

89 h. Credit or debit card information.

90 i. License plate number.

91 j. Name or address of a school or day care facility
92 attended by the judicial officer's immediate family.

93 k. A photograph of any vehicle that legibly displays
94 the license plate of the judicial officer.

95 l. A photograph of a residence of the judicial officer
96 that legibly displays the address of the residence.

97 m. Name or address of an employer of the judicial
98 officer's immediate family.

99 Section 3. (a) A government agency shall not post or
100 display publicly on a website the personal information of a
101 judicial officer or his or her immediate family, provided that
102 the government agency has received a written request in
103 accordance with Section 6.

104 (b) Within 10 business days of receipt of the written
105 request, the government agency shall remove the personal
106 information from the website.

107 (c) The judicial officer's and his or her immediate
108 family's personal information shall be confidential and not be
109 considered a public record for purposes of Article 3 of
110 Chapter 12 of Title 36, Code of Alabama 1975.

111 (d) If a government agency fails to comply with a
112 written request to refrain from posting or displaying personal



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113 information publicly on a website, the judicial officer may
114 bring an action seeking injunctive or declaratory relief in
115 any court of competent jurisdiction.

116 Section 4. (a) A person shall not publicly post or
117 display on the Internet the personal information of a judicial
118 officer or his or her immediate family, provided the judicial
119 officer has made a written request to the individual,
120 business, or association that it refrain from disclosing the
121 judicial officer's or his or her immediate family's personal
122 information in accordance with Section 6.

123 (b) Subsection (a) shall not apply to any of the
124 following:

125 (1) The display on the Internet of personal information
126 of a judicial officer or the immediate family if the
127 information is relevant to and displayed as part of a news
128 story, commentary, editorial, or other speech on a matter of
129 public concern.

130 (2) Personal information that a judicial officer
131 voluntarily publishes on the Internet.

132 (3) Personal information received from a federal or
133 state government source, or from an employee or agent of the
134 state or federal government.

135 (c) After a person has received a written request from
136 a judicial officer to protect the privacy of the personal
137 information of the judicial officer and his or her immediate
138 family, the person shall have 72 hours after the receipt of
139 such request to remove the personal information from the
140 Internet.



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141 (d) After a person has received a written request from
142 a judicial officer, that person shall ensure that the judicial
143 officer's and his or her immediate family member's personal
144 information is not made available on any website or subsidiary
145 website controlled by that person.

146 (e) After receiving a written request from a judicial
147 officer, no person shall transfer the judicial officer's or
148 his or her immediate family's personal information to any
149 other person.

150 (f) (1) If a person fails to comply with a written
151 request to refrain from disclosing personal information, the
152 judicial officer may bring an action seeking injunctive or
153 declaratory relief in any court of competent jurisdiction.

154 (2) If the court grants injunctive or declaratory
155 relief, the person responsible for the violation shall be
156 required to pay the judicial officer's court costs and
157 reasonable attorney's fees.

158 Section 5. (a) It shall be unlawful for a data broker
159 to knowingly sell, license, trade for consideration, or
160 purchase the personal information of a judicial officer or his
161 or her immediate family.

162 (b) (1) If a data broker violates this section, the
163 judicial officer may bring an action seeking injunctive or
164 declaratory relief in any court of competent jurisdiction.

165 (2) If the court grants injunctive or declaratory
166 relief, the data broker responsible for the violation shall be
167 required to pay the judicial officer's court costs and
168 reasonable attorney's fees.



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169 Section 6. (a) No government agency or person shall be
170 found to have violated any provision of this act if the
171 judicial officer fails to submit a written request calling for
172 the protection of his or her personal information.

173 (b) A written request shall be valid if the judicial
174 officer satisfies either of the following:

175 (1) Sends a written request directly to a government
176 agency or person.

177 (2) Sends a request to the Administrative Office of
178 Courts on a form developed and maintained by the Alabama
179 Administrative Office of Courts. The Alabama Administrative
180 Office of Courts shall use that form to notify government
181 agencies of a judicial officer's request to remove his or her
182 personal information and his or her immediate family. Every
183 three months, the Alabama Administrative Office of Courts
184 shall provide a list to the appropriate officer with
185 supervisory authority for a government agency of all judicial
186 officers who have submitted a written request to it. The
187 officer shall promptly provide a copy of the list to all
188 government agencies under his or her supervision. Receipt of
189 the written request list compiled by the Alabama
190 Administrative Office of Courts by a government agency shall
191 constitute a written request to that agency for the purposes
192 of this act.

193 (c) A representative from the judicial officer's
194 employer may submit a written request on the judicial
195 officer's behalf if the judicial officer gives written consent
196 to the representative and the representative agrees to furnish



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197 a copy of that consent when a written request is made. The
198 representative shall submit the written request as provided in
199 subsection (b).

200 (d) A judicial officer's written request shall specify
201 all of the following:

202 (1) What personal information shall be kept private.

203 (2) The identity of the officer's immediate family and
204 indicate that the personal information of these family members
205 shall also be excluded to the extent that it could reasonably
206 be expected to reveal the personal information of the judicial
207 officer.

208 (3) If a judicial officer wishes to identify a
209 secondary residence or an investment property as a home
210 address, the designation shall be made in the written request.

211 (e) A judicial officer's written request is valid until
212 the judicial officer provides the government agency,
213 individual, business, or association with written permission
214 to release private information. A judicial officer's written
215 request expires on his or her death.

216 Section 7. (a) It is unlawful for a person to knowingly
217 publicly post on the Internet the personal information of a
218 judicial officer or the judicial officer's immediate family if
219 the individual knows or should have known that publicly
220 posting the personal information poses an imminent and serious
221 threat to the health and safety of the judicial officer or the
222 judicial officer's immediate family, and the violation is a
223 proximate cause of bodily injury or death of the judicial
224 officer or a member of the judicial officer's immediate



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225 family.

226 (b) A violation of this section is a Class C felony.

227 Section 8. Provided that the employee of a government
228 agency has complied with the conditions set forth in Sections
229 3 through 6, it is not a violation of this act if an employee
230 of a government agency publishes personal information, in good
231 faith, on the website of the government agency in the ordinary
232 course of carrying out public functions.

233 Section 9. Although this bill would have as its purpose
234 or effect the requirement of a new or increased expenditure of
235 local funds, the bill is excluded from further requirements
236 and application under Section 111.05 of the Constitution of
237 Alabama of 2022, because the bill defines a new crime or
238 amends the definition of an existing crime.

239 Section 10. This act shall become effective on the
240 first day of the third month following its passage and
241 approval by the Governor, or its otherwise becoming law.



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House of Representatives

245 Read for the first time and referred18-May-23
246 to the House of Representatives
247 committee on Judiciary
248
249 Read for the second time and placed24-May-23
250 on the calendar:
251 0 amendments
252
253 Read for the third time and passed25-May-23
254 as amended
255 Yeas 102
256 Nays 0
257 Abstains 0
258
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John Treadwell
Clerk