

By: Moody, Burrows, et al.

H.B. No. 30

Substitute the following for H.B. No. 30:

By: Turner

C.S.H.B. No. 30

A BILL TO BE ENTITLED

AN ACT

relating to access to certain law enforcement, corrections, and prosecutorial records under the public information law.

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

SECTION 1. Section 552.108, Government Code, is amended by adding Subsections (d), (e), and (f) to read as follows:

(d) The exceptions to disclosure provided by Subsections (a)(2) and (b)(2) do not apply to information, records, or notations if:

(1) a person who is described by or depicted in the information, record, or notation, other than a peace officer, is deceased or incapacitated; or

(2) each person who is described by or depicted in the information, record, or notation consents to the release of the information, record, or notation.

(e) This section does not except from the requirements of Section 552.021 a letter, memorandum, or document regarding a police officer's alleged misconduct in the police officer's personnel file under Section 143.089, Local Government Code, if:

(1) a person who is described by or depicted in the letter, memorandum, or document, other than the police officer, is deceased or incapacitated; or

(2) each person who is described by or depicted in the letter, memorandum, or document consents to the release of the

1 letter, memorandum, or document.

2 (f) A governmental body that releases information, records,
3 or notations to a family member of a deceased or incapacitated
4 person who is described by or depicted in the information, record,
5 or notation is not considered to have voluntarily made that
6 information available to the public for purposes of Section 552.007
7 and does not waive the ability to assert in the future that the
8 information is excepted from required disclosure under this section
9 or other law.

10 SECTION 2. Section 143.089(g), Local Government Code, is
11 amended to read as follows:

12 (g) A fire or police department may maintain a personnel
13 file on a fire fighter or police officer employed by the department
14 for the department's use. Except as provided by Subsection (h), the
15 department may not release any information contained in the
16 department file to any agency or person requesting information
17 relating to a fire fighter or police officer, other than
18 information relating to a police officer's alleged misconduct in
19 the police officer's personnel file, as permitted by Section
20 552.108, Government Code. The department shall refer to the
21 director or the director's designee a person or agency that
22 requests information that is maintained in the fire fighter's or
23 police officer's personnel file.

24 SECTION 3. Sections 552.108(d), (e), and (f), Government
25 Code, as added by this Act, and Section 143.089(g), Local
26 Government Code, as amended by this Act, apply to information,
27 records, notations, letters, memoranda, and documents collected,

C.S.H.B. No. 30

1 made, assembled, or maintained before, on, or after the effective
2 date of this Act.

3 SECTION 4. This Act takes effect September 1, 2023.