

By: Zaffirini

S.B. No. 44

A BILL TO BE ENTITLED

1 AN ACT
2 relating to a governmental body's response to a request for public
3 information.

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

5 SECTION 1. Section 552.221, Government Code, is amended by
6 adding Subsections (f) and (g) to read as follows:

7 (f) If the governmental body determines it has no
8 information responsive to a request for information, the officer
9 for public information shall notify the requestor in writing not
10 later than the 10th business day after the date the request is
11 received.

12 (g) If a governmental body determines the requested
13 information is subject to a previous determination that permits or
14 requires the governmental body to withhold the requested
15 information, the officer for public information shall, not later
16 than the 10th business day after the date the request is received:

17 (1) notify the requestor in writing that the
18 information is being withheld; and

19 (2) identify in the notice the specific previous
20 determination the governmental body is relying on to withhold the
21 requested information.

22 SECTION 2. Section 552.301(b), Government Code, is amended
23 to read as follows:

24 (b) The governmental body must ask for the attorney

1 general's decision and state the specific exceptions that apply
2 within a reasonable time but not later than the 10th business day
3 after the date of receiving the written request.

4 SECTION 3. The heading to Subchapter H, Chapter 552,
5 Government Code, is amended to read as follows:

6 SUBCHAPTER H. CIVIL ENFORCEMENT; COMPLAINT

7 SECTION 4. Subchapter H, Chapter 552, Government Code, is
8 amended by adding Section 552.328 to read as follows:

9 Sec. 552.328. FAILURE TO RESPOND TO REQUESTOR. (a) If a
10 governmental body fails to respond to a requestor as required by
11 Section 552.221, the requestor may send a written complaint to the
12 attorney general.

13 (b) The complaint must include:

14 (1) the original request for information; and

15 (2) any correspondence received from the governmental
16 body in response to the request.

17 (c) If the attorney general determines the governmental
18 body improperly failed to comply with Section 552.221 in connection
19 with a request for which a complaint is made under this section:

20 (1) the attorney general shall notify the governmental
21 body in writing and require the governmental body to complete open
22 records training not later than six months after receiving the
23 notification;

24 (2) the governmental body may not assess costs to the
25 requestor for producing information in response to the request; and

26 (3) if the governmental body seeks to withhold
27 information in response to the request, the governmental body must:

1 (A) request an attorney general decision under
2 Section 552.301 not later than the fifth business day after the date
3 the governmental body receives the notification under Subdivision
4 (1); and

5 (B) release the requested information unless
6 there is a compelling reason to withhold the information.

7 SECTION 5. The changes in law made by this Act apply only to
8 a request for information that is received by a governmental body or
9 an officer for public information on or after the effective date of
10 this Act.

11 SECTION 6. This Act takes effect September 1, 2023.