

By: Hinojosa

S.B. No. 1658

A BILL TO BE ENTITLED

AN ACT

relating to the collection and disclosure of certain public information.

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

SECTION 1. Section 552.101, Government Code, is amended to read as follows:

Sec. 552.101. EXCEPTION: CONFIDENTIAL INFORMATION. (a) Subject to Subsection (b), information ~~[Information]~~ is excepted from the requirements of Section 552.021 if it is information considered to be confidential by law, either constitutional, statutory, or by judicial decision.

(b) This section does not encompass:

(1) the attorney-client privilege;

(2) the work product privilege;

(3) another exception to disclosure provided by this chapter; or

(4) a state or federal discovery privilege, including a discovery privilege provided by the:

(A) Texas Rules of Civil Procedure;

(B) Texas Rules of Evidence;

(C) Texas Disciplinary Rules of Professional Conduct;

(D) Federal Rules of Evidence; or

(E) Federal Rules of Civil Procedure.

1 SECTION 2. Section 552.108(c), Government Code, is amended  
2 to read as follows:

3 (c) This section does not except basic information from the  
4 requirements of Section 552.021 [~~information that is basic~~  
5 ~~information about an arrested person, an arrest, or a crime~~].

6 SECTION 3. Section 552.302, Government Code, is amended to  
7 read as follows:

8 Sec. 552.302. FAILURE TO MAKE TIMELY REQUEST FOR ATTORNEY  
9 GENERAL DECISION; PRESUMPTION THAT INFORMATION IS PUBLIC. (a)  
10 Subject to Subsection (b), if [~~If~~] a governmental body does not  
11 request an attorney general decision as provided by Section 552.301  
12 and provide the requestor with the information required by Sections  
13 552.301(d) and (e-1), the information requested in writing is  
14 presumed to be subject to required public disclosure and must be  
15 released unless there is a compelling reason to withhold the  
16 information.

17 (b) Sections 552.103, 552.104, 552.105, 552.106, 552.108,  
18 552.111, 552.112, 552.116, 552.122, 552.125, 552.131(b), 552.144,  
19 552.146, 552.153(b)(1), and 552.154 do not constitute compelling  
20 reasons for a governmental body that fails to comply with the  
21 requirements of Section 552.301 to withhold information under  
22 Subsection (a).

23 (c) The exclusion of an exception to disclosure from the  
24 list in Subsection (b) does not create a presumption that the  
25 exception constitutes a compelling reason for a governmental body  
26 to withhold information under Subsection (a).

27 SECTION 4. Section 118.011(e), Local Government Code, is

1 amended to read as follows:

2 (e) A county clerk who provides a copy in a format other than  
3 paper of a record maintained by the clerk shall provide the copy and  
4 charge a fee in accordance with Section [~~Sections 552.231 and~~  
5 552.262, Government Code.

6 SECTION 5. Subchapter N, Chapter 1701, Occupations Code, is  
7 amended by adding Section 1701.6515 to read as follows:

8 Sec. 1701.6515. RECORDINGS; APPLICABILITY. (a) A reference  
9 in this subchapter to a "recording" by a body worn camera, however  
10 phrased, means an audio recording, a video recording, or an  
11 audiovisual recording.

12 (b) Subsection (a) applies to a "body worn camera  
13 recording," a "recording created with a body worn camera,"  
14 "information recorded by a body worn camera," "recorded  
15 information," and any synonymous word or phrase.

16 SECTION 6. Section 552.231, Government Code, is repealed.

17 SECTION 7. The changes in law made by this Act apply only to  
18 a request for public information received on or after the effective  
19 date of this Act.

20 SECTION 8. This Act takes effect September 1, 2023.