

BILL ANALYSIS

S.B. 148
By: Wentworth
State Affairs
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Currently, a photograph of a peace officer, the release of which would endanger the life or physical safety of the officer, is excepted from the disclosure requirements under the Public Information Act under most circumstances. However, if a peace officer is a party in a fire or police civil service hearing or a case in arbitration, the officer's photo is subject to disclosure.

In 2000, the attorney general issued an Open Records Letter Opinion stating that Government Code Section 551.119, the section amended by S.B. 148, applies to all peace officers, including sheriffs, despite the fact that Section 552.119 references "fire" and "police" proceedings.

As proposed, S.B. 148 deletes the reference to "fire" and "police" to clarify that the photograph exception applies to all peace officers as that term is defined by Article 2.12, Code of Criminal Procedure.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

Amends Section 552.119, Government Code, to provide that a photograph that depicts a peace officer is excepted from the requirements of Section 552.021 (requiring public information be made available to the public) under certain circumstances, unless the officer is a party in a civil service hearing, rather than a party in a fire or police civil service hearing. Deletes the provision that a photograph that depicts a security officer (hired by a private institution of higher education) commissioned under Section 51.212, Education Code, is exempt from the requirements of Section 552.021 under certain circumstances. Makes conforming and nonsubstantive changes.

EFFECTIVE DATE

Upon passage, or, if the Act does not receive the necessary vote, the Act takes effect September 1, 2005.