

By: Dutton

H.B. No. 457

A BILL TO BE ENTITLED

AN ACT

relating to access to certain law enforcement 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 to read as follows:

Sec. 552.108. EXCEPTION: CERTAIN LAW ENFORCEMENT AND PROSECUTORIAL INFORMATION. (a) Information held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime is excepted from the requirements of Section 552.021 if ~~+~~

~~(1)~~ release of the information would unduly interfere with the detection, investigation, or prosecution of crime ~~+~~

~~(2) it is information that deals with the detection, investigation, or prosecution of crime only in relation to an investigation that did not result in conviction or deferred adjudication;~~

~~(3) it is information relating to a threat against a peace officer collected or disseminated under Section 411.048; or~~

~~(4) it is information that:~~

~~(A) is prepared by an attorney representing the state in anticipation of or in the course of preparing for criminal litigation; or~~

1                   ~~[(B) reflects the mental impressions or legal~~  
2 ~~reasoning of an attorney representing the state].~~

3           (b) An internal record or notation of a law enforcement  
4 agency or prosecutor that is maintained for internal use in matters  
5 relating to law enforcement or prosecution is excepted from the  
6 requirements of Section 552.021 if ~~[+~~

7                   ~~[(1)]~~ release of the internal record or notation would  
8 unduly interfere with law enforcement or prosecution ~~[+~~

9                   ~~[(2) the internal record or notation relates to law~~  
10 ~~enforcement only in relation to an investigation that did not~~  
11 ~~result in conviction or deferred adjudication; or~~

12                   ~~[(3) the internal record or notation:~~

13                   ~~[(A) is prepared by an attorney representing the~~  
14 ~~state in anticipation of or in the course of preparing for criminal~~  
15 ~~litigation; or~~

16                   ~~[(B) reflects the mental impressions or legal~~  
17 ~~reasoning of an attorney representing the state].~~

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

21           SECTION 2. Section 411.048, Government Code, is amended by  
22 adding Subsection (j) to read as follows:

23           (j) Information relating to a threat against a peace officer  
24 that is collected or disseminated under this section is excepted  
25 from required disclosure under the public information law, Chapter  
26 552.

27           SECTION 3. The changes in law made by this Act to Sections

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1 411.048 and 552.108, Government Code, apply to information,  
2 records, and notations collected, made, assembled, or maintained  
3 on, before, or after the effective date of this Act.

4 SECTION 4. This Act takes effect September 1, 2005.