

By: Wentworth

S.B. No. 148

A BILL TO BE ENTITLED

AN ACT

relating to the exception from required public disclosure of a photograph of a peace officer.

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

SECTION 1. Section 552.119, Government Code, is amended to read as follows:

Sec. 552.119. EXCEPTION: PHOTOGRAPH OF PEACE OFFICER [~~OR CERTAIN SECURITY GUARDS~~]. (a) A photograph that depicts a peace officer as defined by Article 2.12, Code of Criminal Procedure, [~~or a security officer commissioned under Section 51.212, Education Code,~~] the release of which would endanger the life or physical safety of the officer, is excepted from the requirements of Section 552.021 unless:

(1) the officer is under indictment or charged with an offense by information;

(2) the officer is a party in a [~~fire or police~~] civil service hearing or a case in arbitration; or

(3) the photograph is introduced as evidence in a judicial proceeding.

(b) A photograph excepted [~~exempt~~] from disclosure under Subsection (a) may be made public only if the peace officer [~~or security officer~~] gives written consent to the disclosure.

SECTION 2. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as

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1 provided by Section 39, Article III, Texas Constitution. If this
2 Act does not receive the vote necessary for immediate effect, this
3 Act takes effect September 1, 2005.