

1-1 By: Wentworth S.B. No. 148
1-2 (In the Senate - Filed December 28, 2004; February 1, 2005,
1-3 read first time and referred to Committee on State Affairs;
1-4 March 1, 2005, reported favorably by the following vote: Yeas 9,
1-5 Nays 0; March 1, 2005, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to the exception from required public disclosure of a
1-9 photograph of a peace officer.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Section 552.119, Government Code, is amended to
1-12 read as follows:

1-13 Sec. 552.119. EXCEPTION: PHOTOGRAPH OF PEACE OFFICER [~~OR~~
1-14 ~~CERTAIN SECURITY GUARDS~~]. (a) A photograph that depicts a peace
1-15 officer as defined by Article 2.12, Code of Criminal Procedure, [~~or~~
1-16 ~~a security officer commissioned under Section 51.212, Education~~
1-17 ~~Code,~~] the release of which would endanger the life or physical
1-18 safety of the officer, is excepted from the requirements of Section
1-19 552.021 unless:

1-20 (1) the officer is under indictment or charged with an
1-21 offense by information;

1-22 (2) the officer is a party in a [~~fire or police~~] civil
1-23 service hearing or a case in arbitration; or

1-24 (3) the photograph is introduced as evidence in a
1-25 judicial proceeding.

1-26 (b) A photograph excepted [~~exempt~~] from disclosure under
1-27 Subsection (a) may be made public only if the peace officer [~~or~~
1-28 ~~security officer~~] gives written consent to the disclosure.

1-29 SECTION 2. This Act takes effect immediately if it receives
1-30 a vote of two-thirds of all the members elected to each house, as
1-31 provided by Section 39, Article III, Texas Constitution. If this
1-32 Act does not receive the vote necessary for immediate effect, this
1-33 Act takes effect September 1, 2005.

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