

BILL ANALYSIS

Senate Research Center

H.B. 1572
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State Affairs
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Under current law, records that are part of ongoing criminal investigations kept by law enforcement agencies are protected from disclosure through open records requests or discovery in civil court proceedings. Such provisions are useful in preventing such information from negatively impacting the outcome of a criminal investigation or endangering parties involved.

H.B. 1572 prohibits a court in a civil action from ordering discovery from a nonparty law enforcement agency of certain information unless there is a specific need for the discovery.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 30, Civil Practice and Remedies Code, by adding Section 30.006, as follows:

Sec. 30.006. CERTAIN LAW ENFORCEMENT AGENCY RECORDS NOT SUBJECT TO DISCOVERY. (a) Defines "law enforcement agency."

(b) Provides that this section does not apply to an action in which a law enforcement agency is a party.

(c) Prohibits a court in a civil action, except as provided by Subsection (d), from ordering discovery from a nonparty law enforcement agency of information, records, documents, evidentiary materials, and tangible things under certain conditions.

(d) Authorizes the court, on motion of a party, to order discovery from a nonparty law enforcement agency of information, records, documents, evidentiary materials, and tangible things if the court determines, after in camera inspection, that the discovery sought is relevant and there is a specific need for the discovery.

(e) Provides that this section does not apply to a report of an accident under Chapter 550 (Accidents and Accident Reports), Transportation Code, and photographs, field measurements, scene drawings, and accident reconstruction done in conjunction with the investigation of the underlying accident.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2007.