

By: Dutton

H.B. No. 767

Substitute the following for H.B. No. 767:

By: Swinford

C.S.H.B. No. 767

A BILL TO BE ENTITLED

1

AN ACT

2 relating to access to certain law enforcement, corrections, and
3 prosecutorial records under the public information law.

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

5 SECTION 1. Section 552.108, Government Code, is amended to
6 read as follows:

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

12 (1) release of the information would unduly interfere
13 with the detection, investigation, or prosecution of crime;

14 (2) it is information relating to:

15 (A) an ongoing investigation; or

16 (B) conduct that remains subject to prosecution

17 and the matter is not considered closed [~~that deals with the~~
18 ~~detection, investigation, or prosecution of crime only in relation~~
19 ~~to an investigation that did not result in conviction or deferred~~
20 ~~adjudication~~];

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

24 (4) it is information that:

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

4 (B) reflects the mental impressions or legal
5 reasoning of an attorney representing the state.

6 (b) An internal record or notation of a law enforcement
7 agency or prosecutor that is maintained for internal use in matters
8 relating to law enforcement or prosecution is excepted from the
9 requirements of Section 552.021 if:

10 (1) release of the internal record or notation would
11 unduly interfere with law enforcement or prosecution;

12 (2) the internal record or notation relates to:

13 (A) ~~[law enforcement only in relation to]~~ an
14 ongoing investigation; or

15 (B) conduct that remains subject to prosecution
16 and the matter is not considered closed ~~[that did not result in~~
17 ~~conviction or deferred adjudication]~~; or

18 (3) the internal record or notation:

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

22 (B) reflects the mental impressions or legal
23 reasoning of an attorney representing the state.

24 (c) This section does not except from the requirements of
25 Section 552.021 information that is basic information about an
26 arrested person, an arrest, or a crime.

27 SECTION 2. The changes in law made by this Act to Section

C.S.H.B. No. 767

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

4 SECTION 3. This Act takes effect September 1, 2007.