

By: Woolley

H.B. No. 1572

A BILL TO BE ENTITLED

AN ACT

relating to an exception from civil discovery for certain records of a law enforcement agency.

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

SECTION 1. Chapter 30, Civil Practice and Remedies Code, is amended by adding Section 30.006 to read as follows:

Sec. 30.006. CERTAIN LAW ENFORCEMENT AGENCY RECORDS NOT SUBJECT TO DISCOVERY. (a) In this section, "law enforcement agency" means a governmental agency that employs a peace officer as defined under Article 2.12, Code of Criminal Procedure.

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

(c) Except as provided by Subsection (d), a court in a civil action may not order discovery from a nonparty law enforcement agency of information, records, documents, evidentiary materials, and tangible things if:

(1) the information, records, documents, evidentiary materials, or tangible things deal with:

(A) the detection, investigation, or prosecution of crime; or

(B) an investigation by the nonparty law enforcement agency that does not result in conviction or deferred adjudication; and

(2) the release of the information, records,

1 documents, evidentiary materials, or tangible things would
2 interfere with the detection, investigation, or prosecution of
3 criminal acts.

4 (d) On motion of a party, the court may order discovery from
5 a nonparty law enforcement agency of information, records,
6 documents, evidentiary materials, and tangible things described by
7 Subsection (c) if the court determines, after in camera inspection,
8 that:

9 (1) the discovery sought is relevant; and

10 (2) there is a specific need for the discovery.

11 (e) This section does not apply to:

12 (1) a report of an accident under Chapter 550,
13 Transportation Code; and

14 (2) photographs, field measurements, scene drawings,
15 and accident reconstruction done in conjunction with the
16 investigation of the underlying accident.

17 SECTION 2. (a) This Act applies to an action:

18 (1) commenced on or after the effective date of this
19 Act; or

20 (2) pending on that effective date and in which the
21 trial, on any new trial or retrial following motion, appeal, or
22 otherwise, begins on or after that effective date.

23 (b) In an action commenced before the effective date of this
24 Act, a trial, new trial, or retrial that is in progress on the
25 effective date is governed by the law applicable to the trial, new
26 trial, or retrial immediately before the effective date, and that
27 law is continued in effect for that purpose.

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