

By: Woolley (Senate Sponsor - West) H.B. No. 1572
(In the Senate - Received from the House May 1, 2007;
May 2, 2007, read first time and referred to Committee on State
Affairs; May 15, 2007, reported favorably by the following vote:
Yeas 8, Nays 0; May 15, 2007, sent to printer.)

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

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

(1) the discovery sought is relevant; and

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

(e) This section does not apply to:

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

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

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

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

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

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

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

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