

By: Dutton

H.B. No. 909

A BILL TO BE ENTITLED

AN ACT

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

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

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

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

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

(2) it is information relating to:

(A) an ongoing investigation; or

(B) conduct that remains subject to prosecution

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

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

(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

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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, 2009.