

By: Shapleigh

S.B. No. 304

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to information obtained under the public information law  
3 for legislative purposes that indicates a crime has been committed  
4 by a governmental body or a governmental officer or employee.

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

6 SECTION 1. Section 552.008, Government Code, is amended by  
7 adding Subsection (d) to read as follows:

8 (d) Notwithstanding Subsection (b), a governmental body may  
9 not require a requesting entity that receives information under  
10 this section that is confidential under state law or the members or  
11 employees of the requesting entity who will view or handle the  
12 information to sign a confidentiality agreement if the information  
13 indicates or contains evidence that the governmental body or an  
14 officer or employee of the governmental body committed a crime that  
15 has not clearly been detected, investigated, or prosecuted by an  
16 appropriate authority. If a confidentiality agreement is signed  
17 under Subsection (b) and the requesting entity or a member or  
18 employee of the requesting entity who signed the confidentiality  
19 agreement subsequently makes a good faith determination that the  
20 information that is the subject of the confidentiality agreement  
21 indicates or contains evidence that the governmental body from  
22 which the information was obtained or an officer or employee of the  
23 governmental body committed a crime that has not clearly been  
24 detected, investigated, or prosecuted by an appropriate authority,

1 the confidentiality agreement is void.

2 SECTION 2. Section 552.352, Government Code, is amended by  
3 adding Subsection (a-3) to read as follows:

4 (a-3) It is an exception to the application of Subsection  
5 (a-1) that the officer or employee of a governmental body who  
6 obtained access to confidential information under Section 552.008  
7 determined in good faith that the information indicated or  
8 contained evidence that the governmental body from which the  
9 information was obtained or an officer or employee of that  
10 governmental body committed a crime that has not clearly been  
11 detected, investigated, or prosecuted by an appropriate authority.

12 SECTION 3. Sections 552.008(d) and 552.352(a-3),  
13 Government Code, as added by this Act, apply in relation to  
14 information received under Section 552.008, Government Code,  
15 before, on, or after the effective date of this Act.

16 SECTION 4. This Act takes effect immediately if it receives  
17 a vote of two-thirds of all the members elected to each house, as  
18 provided by Section 39, Article III, Texas Constitution. If this  
19 Act does not receive the vote necessary for immediate effect, this  
20 Act takes effect September 1, 2009.