

By: Gallegos

S.B. No. 26

A BILL TO BE ENTITLED

AN ACT

relating to the enforcement of the public information law;
providing for the imposition of a civil penalty.

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

SECTION 1. The heading to Section 552.3215, Government Code, is amended to read as follows:

Sec. 552.3215. DECLARATORY JUDGMENT, ~~[OR]~~ INJUNCTIVE RELIEF, OR CIVIL PENALTY.

SECTION 2. Section 552.3215, Government Code, is amended by amending Subsection (b) and adding Subsections (b-1), (b-2), and (1) to read as follows:

(b) An action for a declaratory judgment, ~~[or]~~ injunctive relief, or a civil penalty may be brought in accordance with this section against a governmental body that violates this chapter.

(b-1) A governmental body that violates this chapter is subject to a civil penalty not to exceed \$500 for each written request for public information to which the governmental body's violation applies. An action for a civil penalty in connection with a particular written request for public information may be brought only if:

(1) the requestor notifies the governmental body in writing that the requestor considers the governmental body to be in violation of a specific provision of this chapter; and

(2) the governmental body has not remedied the

1 violation or taken reasonable steps to remedy the violation before
2 the 10th day after the date on which the governmental body receives
3 the notification under Subdivision (1).

4 **(b-2)** A governmental body is subject to an additional civil
5 penalty not to exceed \$100 for each day the violation continues
6 after the last day under Subsection (b-1)(2) on which the
7 governmental body may avoid a civil penalty by remedying or taking
8 reasonable steps to remedy the violation.

9 **(1)** A civil penalty collected under this section shall be
10 deposited in the state treasury to the credit of the general revenue
11 fund.

12 SECTION 3. This Act takes effect on the 91st day after the
13 last day of the legislative session.