

1-1 By: Gallegos S.B. No. 677
1-2 (In the Senate - Filed February 14, 2011; February 23, 2011,
1-3 read first time and referred to Select Committee on Open
1-4 Government; May 13, 2011, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 3, Nays 2;
1-6 May 13, 2011, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 677 By: Eltife

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to the enforcement of the public information law;
1-11 providing for the imposition of a civil penalty.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. The heading to Section 552.3215, Government
1-14 Code, is amended to read as follows:

1-15 Sec. 552.3215. DECLARATORY JUDGMENT, ~~[OR]~~ INJUNCTIVE
1-16 RELIEF, OR CIVIL PENALTY.

1-17 SECTION 2. Section 552.3215, Government Code, is amended by
1-18 amending Subsection (b) and adding Subsections (b-1), (b-2), and
1-19 (1) to read as follows:

1-20 (b) An action for a declaratory judgment, ~~[or]~~ injunctive
1-21 relief, or a civil penalty may be brought in accordance with this
1-22 section against a governmental body that violates this chapter.

1-23 (b-1) A governmental body that violates this chapter is
1-24 subject to a civil penalty not to exceed \$500 for each written
1-25 request for public information to which the governmental body's
1-26 violation applies. An action for a civil penalty in connection with
1-27 a particular written request for public information may be brought
1-28 only if:

1-29 (1) the requestor notifies the governmental body in
1-30 writing that the requestor considers the governmental body to be in
1-31 violation of a specific provision of this chapter; and

1-32 (2) the governmental body has not remedied the
1-33 violation or taken reasonable steps to remedy the violation before
1-34 the 10th day after the date on which the governmental body receives
1-35 the notification under Subdivision (1).

1-36 (b-2) A governmental body is subject to an additional civil
1-37 penalty not to exceed \$100 for each day the violation continues
1-38 after the last day under Subsection (b-1)(2) on which the
1-39 governmental body may avoid a civil penalty by remedying or taking
1-40 reasonable steps to remedy the violation.

1-41 (1) A civil penalty collected under this section shall be
1-42 deposited in the state treasury to the credit of the general revenue
1-43 fund.

1-44 SECTION 3. This Act takes effect September 1, 2011.

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