

BILL ANALYSIS

S.B. 1512
By: Ellis
Government Efficiency & Reform
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Concerned parties note that certain crime scene information is not exempt from disclosure under state public information law and contend that certain crime scene pictures, particularly pictures that depict a deceased person in a state of dismemberment, decapitation, or similar mutilation or that depict a deceased person's genitalia, should not be subject to an open records request. The parties recognize that credentialed Texas newspapers are unlikely to reproduce these pictures in the paper; rather, they point out that the problem lies in ordinary people being able to request the pictures and reproduce them on the Internet, making it difficult for a victim's family to heal and move on after losing a loved one. The parties assert that sensitive crime scene information should be exempt from state public information law, with certain exceptions. S.B. 1512 seeks to provide for this exemption.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

S.B. 1512 amends the Government Code to make confidential a sensitive crime scene image, as defined by the bill's provisions, in the custody of a governmental body, regardless of the date that the image was taken or recorded, and to except such an image from disclosure under state public information law. The bill prohibits a governmental body from permitting a person to view or copy the image unless the person is one of the following: the deceased person's next of kin; a person authorized in writing by the deceased person's next of kin; a defendant or the defendant's attorney; a person who establishes to the governmental body an interest in a sensitive crime scene image that is based on, connected with, or in support of the creation, in any medium, of an expressive work, as defined by the bill's provisions; a person performing bona fide research sponsored by a public or private institution of higher education with approval of a supervisor of the research or a supervising faculty member; a state agency; an agency of the federal government; or a local governmental entity.

S.B. 1512 specifies that its provisions do not prohibit a governmental body from asserting an exception to disclosure of a sensitive crime scene image to a person authorized to view the image on the grounds that the image is excepted from disclosure under state public information law under another public information provision or another law. The bill requires a governmental body, not later than the 10th business day after the date the governmental body receives a request for a sensitive crime scene image from a person who establishes an interest in the image that is based on an expressive work or who is performing bona fide research sponsored by an institution of higher education, to notify the deceased person's next of kin of the request in writing by sending the notice to the next of kin's last known address. The bill requires a governmental body that receives a request for information that constitutes a sensitive crime scene image to allow an authorized person to view or copy the image not later than the 10th business day after the date the governmental body receives the request unless the governmental body files a request for an

attorney general decision regarding whether an exception to public disclosure applies to the information.

EFFECTIVE DATE

September 1, 2013.