

By: Harper-Brown

H.B. No. 2246

A BILL TO BE ENTITLED

AN ACT

relating to in camera review and filing of the information at issue in a suit filed under the public information law.

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

SECTION 1. Subchapter H, Chapter 552, Government Code, is amended by adding Section 552.3221 to read as follows:

Sec. 552.3221. IN CAMERA INSPECTION OF INFORMATION.

(a) In any suit filed under this chapter, the information at issue may be filed with the court for in camera inspection as is necessary for the adjudication of the case.

(b) Upon receipt of the information at issue for in camera inspection, the court shall enter an order that prevents release to or access by any person other than the court, a reviewing court of appeals, or parties permitted to inspect the information pursuant to a protective order. The order shall further note the filing date and time.

(c) The information at issue filed with the court for in camera inspection shall be:

(1) appended to the order and transmitted by the court to the clerk for filing as "information at issue";

(2) maintained in a sealed envelope or in a manner that precludes disclosure of the information; and

(3) transmitted by the clerk to any court of appeal as part of the clerk's record.

1        (d) Information filed with the court under this section does  
2 not constitute "court records" within the meaning of Texas Rule of  
3 Civil Procedure 76a and shall not be made available by the clerk or  
4 any custodian of record for public inspection.

5        (e) For purposes of this section, "information at issue" is  
6 defined as information held by a governmental body that forms the  
7 basis of a suit under this chapter.

8        SECTION 2. This act takes effect on September 1, 2013.