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S.B. No. 1512

A BILL TO BE ENTITLED

AN ACT

relating to the confidentiality of certain crime scene photographs
and video recordings.

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

SECTION 1. Subchapter C, Chapter 552, Government Code, is
amended by adding Section 552.1085 to read as follows:

Sec. 552.1085. CONFIDENTIALITY OF SENSITIVE CRIME SCENE
IMAGE. (a) In this section:

(1) "Deceased person's next of kin" means:

(A) the surviving spouse of the deceased person;

(B) if there is no surviving spouse of the
deceased, an adult child of the deceased person; or

(C) if there is no surviving spouse or adult
child of the deceased, a parent of the deceased person.

(2) "Defendant" means a person being prosecuted for
the death of the deceased person or a person convicted of an offense
in relation to that death and appealing that conviction.

(3) "Expressive work" means:

(A) a fictional or nonfictional entertainment,
dramatic, literary, or musical work that is a play, book, article,
musical composition, audiovisual work, radio or television
program, work of art, or work of political, educational, or
newsworthy value;

(B) a work the primary function of which is the

1 delivery of news, information, current events, or other matters of
2 public interest or concern; or

3 (C) an advertisement or commercial announcement
4 of a work described by Paragraph (A) or (B).

5 (4) "Local governmental entity" means a county,
6 municipality, school district, charter school, junior college
7 district, or other political subdivision of this state.

8 (5) "Public or private institution of higher
9 education" means:

10 (A) an institution of higher education, as
11 defined by Section 61.003, Education Code; or

12 (B) a private or independent institution of
13 higher education, as defined by Section 61.003, Education Code.

14 (6) "Sensitive crime scene image" means a photograph
15 or video recording taken at a crime scene, contained in or part of a
16 closed criminal case, that depicts a deceased person in a state of
17 dismemberment, decapitation, or similar mutilation or that depicts
18 the deceased person's genitalia.

19 (7) "State agency" means a department, commission,
20 board, office, or other agency that is a part of state government
21 and that is created by the constitution or a statute of this state.
22 The term includes an institution of higher education as defined by
23 Section 61.003, Education Code.

24 (b) For purposes of this section, an Internet website, the
25 primary function of which is not the delivery of news, information,
26 current events, or other matters of public interest or concern, is
27 not an expressive work.

1 (c) A sensitive crime scene image in the custody of a
2 governmental body is confidential and excepted from the
3 requirements of Section 552.021 and a governmental body may not
4 permit a person to view or copy the image except as provided by this
5 section. This section applies to any sensitive crime scene image
6 regardless of the date that the image was taken or recorded.

7 (d) Notwithstanding Subsection (c) and subject to
8 Subsection (e), the following persons may view or copy information
9 that constitutes a sensitive crime scene image from a governmental
10 body:

11 (1) the deceased person's next of kin;

12 (2) a person authorized in writing by the deceased
13 person's next of kin;

14 (3) a defendant or the defendant's attorney;

15 (4) a person who establishes to the governmental body
16 an interest in a sensitive crime scene image that is based on,
17 connected with, or in support of the creation, in any medium, of an
18 expressive work;

19 (5) a person performing bona fide research sponsored
20 by a public or private institution of higher education with
21 approval of a supervisor of the research or a supervising faculty
22 member;

23 (6) a state agency;

24 (7) an agency of the federal government; or

25 (8) a local governmental entity.

26 (e) This section does not prohibit a governmental body from
27 asserting an exception to disclosure of a sensitive crime scene

1 image to a person identified in Subsection (d) on the grounds that
2 the image is excepted from the requirements of Section 552.021
3 under another provision of this chapter or another law.

4 (f) Not later than the 10th business day after the date a
5 governmental body receives a request for a sensitive crime scene
6 image from a person described by Subsection (d)(4) or (5), the
7 governmental body shall notify the deceased person's next of kin of
8 the request in writing. The notice must be sent to the next of kin's
9 last known address.

10 (g) A governmental body that receives a request for
11 information that constitutes a sensitive crime scene image shall
12 allow a person described in Subsection (d) to view or copy the image
13 not later than the 10th business day after the date the governmental
14 body receives the request unless the governmental body files a
15 request for an attorney general decision under Subchapter G
16 regarding whether an exception to public disclosure applies to the
17 information.

18 SECTION 2. (a) The change in law made by this Act applies
19 only to the disclosure or copying of a sensitive crime scene image
20 on or after September 1, 2013.

21 (b) The disclosure or copying of a sensitive crime scene
22 image before September 1, 2013, is covered by the law in effect when
23 the image was disclosed or copied, and the former law is continued
24 in effect for that purpose.

25 SECTION 3. This Act takes effect September 1, 2013.