

BILL ANALYSIS

C.S.H.B. 3640
By: Hunter
Homeland Security & Public Safety
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Concerns have been raised about the availability of recordings and transcripts of emergency calls to entities or individuals outside of the public safety agency that received such calls. C.S.H.B. 3640 seeks to make a recording or transcript of such a call confidential and to regulate the disclosure of that information.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

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

C.S.H.B. 3640 amends the Government Code to make a recording or transcript of an emergency call made to a public safety agency or a public safety answering point, as those terms are defined in the Health and Safety Code, confidential. The bill requires a governmental body to disclose such information that is not confidential or otherwise excepted from required disclosure under another provision of law to a requester who has the express consent of the person who placed the emergency call or of a legal representative of the person; who is a licensed investigator who certifies that the information will only be used in conjunction with a civil, criminal, administrative, or arbitral proceeding in a court or government agency; or who is a first responder. The bill authorizes a governmental body to withhold a recording or transcript without the necessity of requesting a decision from the attorney general.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2017.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 3640 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED	HOUSE COMMITTEE SUBSTITUTE
SECTION 1. Subchapter C, Chapter 552,	SECTION 1. Subchapter C, Chapter 552,

Government Code, is amended by adding Section 552.157 to read as follows:

Sec. 552.157. EXCEPTION: CONFIDENTIALITY OF CONTENT OF EMERGENCY CALL. (a) A recording or transcript of an emergency call made to a public safety agency or a public safety answering point, as those terms are defined by Section 772.001, Health and Safety Code, is confidential.

(b) Information that is confidential under this section may be disclosed only with the

express consent of the person who placed the emergency call or of a legal representative of the person.

SECTION 2. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2017.

Government Code, is amended by adding Section 552.157 to read as follows:

Sec. 552.157. EXCEPTION: CONFIDENTIALITY OF CONTENT OF EMERGENCY CALL. (a) A recording or transcript of an emergency call made to a public safety agency or a public safety answering point, as those terms are defined by Section 772.001, Health and Safety Code, is confidential.

(b) A governmental body shall disclose information that is confidential under this section and that is not confidential or otherwise excepted from required disclosure under another provision of law to a requestor who:

(1) has the express consent of the person who placed the emergency call or of a legal representative of the person;

(2) is an investigator licensed under Chapter 1702, Occupations Code, who certifies that the information will only be used in conjunction with a civil, criminal, administrative, or arbitral proceeding in a court or government agency, including service of process, investigation in anticipation of litigation, execution or enforcement of a judgment or order, or under any order of any court; or

(3) is a first responder as defined by Section 421.095.

(c) A governmental body may withhold a recording or transcript described by Subsection (a) without the necessity of requesting a decision from the attorney general under Subchapter G.

SECTION 2. Same as introduced version.