

## **BILL ANALYSIS**

S.B. 1655  
By: Watson  
Government Transparency & Operation  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Interested parties cite a recent ruling by the Supreme Court of Texas suggesting that certain discretionary exceptions to the public-availability requirement of state public information law allow a governmental body to withhold information wholesale under that law and contend that this interpretation is not consistent with legislative intent. S.B. 1655 seeks to clarify the role of these exceptions in the context of state public information law.

### **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**

S.B. 1655 amends the Government Code to establish that the exception from the public-availability requirement of state public information law for information considered to be confidential by constitutional law, statutory law, or judicial decision does not apply to information considered to be excepted from required disclosure under another provision of state public information law or to information considered to be privileged under an evidentiary privilege created by the Texas Rules of Civil Procedure, the Texas Rules of Evidence, the Texas Disciplinary Rules of Professional Conduct, the Federal Rules of Evidence, or the Federal Rules of Civil Procedure, including the attorney-client privilege, the attorney work product privilege, or any other state or federal discovery privilege.

S.B. 1655 establishes that certain specified statutory exceptions from the public-availability requirement of state public information law do not constitute compelling reasons to withhold information under such law, in regards to a presumption that information is subject to public disclosure if a governmental body fails to make a timely request for an attorney general decision, for a governmental body that fails to comply with the requirements of provisions of state public information law relating to requests for attorney general decisions. The bill establishes that a governmental body's failure to comply with such requirements does not affect another person's privacy or property interests or the person's ability under statutory provisions relating to information involving the privacy or property interests of third parties to submit a letter, memorandum, or brief in support of each reason why the information should be withheld.

### **EFFECTIVE DATE**

September 1, 2017.