

By: Perez

H.B. No. 2521

A BILL TO BE ENTITLED

AN ACT

relating to the disclosure or release by a criminal justice agency of photographs taken pursuant to an arrest or other involvement in the criminal justice system.

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

SECTION 1. Chapter 60, Code of Criminal Procedure, is amended by adding Article 60.062 to read as follows:

Art. 60.062. LIMITATION ON DISCLOSURE OR RELEASE OF CERTAIN CRIMINAL JUSTICE PHOTOGRAPHS. (a) For purposes of this article, "criminal justice agency" includes, in addition to the agencies described by Article 60.01(6), a municipal or county agency, or school district law enforcement agency, that is engaged in the administration of criminal justice under a statute or executive order.

(b) Notwithstanding Article 60.06(c), a criminal justice agency may not disclose or release a photograph of an individual taken pursuant to an arrest or other involvement in the criminal justice system.

(c) This article does not apply to the disclosure or release of a photograph to:

(1) the Texas Department of Criminal Justice, the Department of Public Safety, or any other criminal justice agency;

(2) the individual who is the subject of the photograph or the individual's legal counsel; or

1 (3) any other person if the individual who is the
2 subject of the photograph:

3 (A) consents in writing to the disclosure or
4 release of the photograph; or

5 (B) is charged with an offense as part of the
6 individual's involvement in the criminal justice system giving rise
7 to the photograph.

8 SECTION 2. The change in law made by this Act applies to the
9 disclosure or release of a photograph on or after the effective date
10 of this Act, regardless of whether the photograph was taken before,
11 on, or after that date.

12 SECTION 3. This Act takes effect September 1, 2017.