

By: Watson  
(Elkins)

S.B. No. 1655

A BILL TO BE ENTITLED

AN ACT

relating to the availability of certain information under the public information law.

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

SECTION 1. Section 552.101, Government Code, is amended to read as follows:

Sec. 552.101. EXCEPTION: CONFIDENTIAL INFORMATION.

(a) Information is excepted from the requirements of Section 552.021 if it is information considered to be confidential by law, either constitutional, statutory, or by judicial decision.

(b) The exception to disclosure provided by Subsection (a) does not apply to information considered to be:

(1) 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; or

(2) excepted from required disclosure under another provision of this chapter.

SECTION 2. Section 552.302, Government Code, is amended to read as follows:

Sec. 552.302. FAILURE TO MAKE TIMELY REQUEST FOR ATTORNEY GENERAL DECISION; PRESUMPTION THAT INFORMATION IS PUBLIC. (a) If

1 a governmental body does not request an attorney general decision  
2 as provided by Section 552.301 and provide the requestor with the  
3 information required by Sections 552.301(d) and (e-1), the  
4 information requested in writing is presumed to be subject to  
5 required public disclosure and must be released unless there is a  
6 compelling reason to withhold the information.

7 (b) Sections 552.103, 552.104, 552.105, 552.106, 552.108,  
8 552.111, 552.112, 552.116, 552.122, 552.125, 552.144, 552.146,  
9 552.153, and 552.154 do not constitute compelling reasons to  
10 withhold information under Subsection (a) for a governmental body  
11 that fails to comply with the requirements of Section 552.301.

12 SECTION 3. Section 552.305, Government Code, is amended by  
13 adding Subsection (f) to read as follows:

14 (f) A governmental body's failure to comply with the  
15 requirements of Section 552.301 does not affect another person's  
16 privacy or property interests or the person's ability under this  
17 section to submit a letter, memorandum, or brief in support of each  
18 reason why the information should be withheld.

19 SECTION 4. The changes in law made by this Act apply only to  
20 a request for information received by a governmental body on or  
21 after the effective date of this Act. A request received before the  
22 effective date of this Act is governed by the law in effect on the  
23 date the request was received, and the former law is continued in  
24 effect for that purpose.

25 SECTION 5. This Act takes effect September 1, 2017.