

Amend SB 944 (house committee report) as follows:

(1) On page 6, line 20, strike "The" and substitute "Except as otherwise provided by this Act, the".

(2) Add the following appropriately numbered SECTIONS to the bill and renumber SECTIONS of the bill as appropriate:

SECTION _____. Section 552.108, Government Code, is amended by adding Subsections (d), (e), and (f) to read as follows:

(d) The exceptions to disclosure provided by Subsections (a)(2) and (b)(2) do not apply to information, records, or notations if:

(1) a person who is a subject of the information, record, or notation, other than a peace officer, is deceased or incapacitated; or

(2) each person who is a subject of the information, record, or notation consents to the release of the information, record, or notation.

(e) The exceptions to disclosure provided by Subsections (a)(2) and (b)(2) do not apply to a letter, memorandum, or document regarding a police officer's alleged misconduct in the police officer's personnel file under Section 143.089, Local Government Code, if:

(1) a person who is a subject of the letter, memorandum, or document, other than the police officer, is deceased or incapacitated; or

(2) each person who is a subject of the letter, memorandum, or document consents to the release of the letter, memorandum, or document.

(f) A governmental body that releases information, records, or notations to a family member of a deceased or incapacitated person who is a subject of the information, record, or notation is not considered to have voluntarily made that information available to the public for purposes of Section 552.007 and does not waive the ability to assert in the future that the information is excepted from required disclosure under this section or other law.

SECTION _____. Section 143.089(g), Local Government Code, is amended to read as follows:

(g) A fire or police department may maintain a personnel

file on a fire fighter or police officer employed by the department for the department's use, but the department may not release any information contained in the department file to any agency or person requesting information relating to a fire fighter or police officer, other than information relating to a police officer's alleged misconduct in the police officer's personnel file, as permitted by Section 552.108, Government Code. The department shall refer to the director or the director's designee a person or agency that requests information that is maintained in the fire fighter's or police officer's personnel file.

SECTION _____. Sections 552.108(d), (e), and (f), Government Code, as added by this Act, and Section 143.089(g), Local Government Code, as amended by this Act, apply to information, records, notations, letters, memoranda, and documents collected, made, assembled, or maintained before, on, or after the effective date of this Act.