

By: Moody, et al.

H.B. No. 147

Substitute the following for H.B. No. 147:

By: Guerra

C.S.H.B. No. 147

A BILL TO BE ENTITLED

AN ACT

relating to access to certain law enforcement, corrections, and prosecutorial records under the public information law.

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

SECTION 1. 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) This section does not except from the requirements of Section 552.021 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,

1 memorandum, or document.

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

9 SECTION 2. Section 143.089(g), Local Government Code, is
10 amended to read as follows:

11 (g) A fire or police department may maintain a personnel
12 file on a fire fighter or police officer employed by the department
13 for the department's use, but the department may not release any
14 information contained in the department file to any agency or
15 person requesting information relating to a fire fighter or police
16 officer, other than information relating to a police officer's
17 alleged misconduct in the police officer's personnel file, as
18 permitted by Section 552.108, Government Code. The department
19 shall refer to the director or the director's designee a person or
20 agency that requests information that is maintained in the fire
21 fighter's or police officer's personnel file.

22 SECTION 3. Sections 552.108(d), (e), and (f), Government
23 Code, as added by this Act, and Section 143.089(g), Local
24 Government Code, as amended by this Act, apply to information,
25 records, notations, letters, memoranda, and documents collected,
26 made, assembled, or maintained before, on, or after the effective
27 date of this Act.

1 SECTION 4. This Act takes effect September 1, 2019.