

By: Hall

S.B. No. 84

A BILL TO BE ENTITLED

AN ACT

relating to the right of public officers to information of certain governmental entities; creating a criminal offense.

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

SECTION 1. Subtitle A, Title 6, Government Code, is amended by adding Chapter 620 to read as follows:

CHAPTER 620. RIGHT TO INFORMATION BY ELECTED OR APPOINTED OFFICERS
OF GOVERNING BODIES

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 620.001. DEFINITIONS. In this chapter:

(1) "Governmental entity" means a state governmental body or a political subdivision of this state.

(2) "Information" means information that is written, recorded, produced, collected, assembled, or maintained by or for a governmental entity that the governmental entity possesses or is authorized to possess, including:

(A) any physical or electronic document, message, report, book, photograph, recording, drawing, diagram, or item of data stored electronically; and

(B) any electronic communication created, transmitted, received, or maintained on any device if the communication is in connection with the transaction of official business of the governmental entity.

(3) "Public officer" means an elected or appointed

1 member of the governing body of:

2 (A) a board, commission, or other body with more
3 than one member that supervises, manages, or controls a state
4 governmental body; or

5 (B) a political subdivision of this state.

6 (4) "State governmental body" means a board,
7 commission, department, committee, institution, agency, or office
8 that is within the executive branch of state government.

9 Sec. 620.002. APPLICABILITY OF OTHER LAW. (a) Chapter 552
10 does not apply to a request for information made under this chapter.

11 (b) Notwithstanding any other provision of law, including a
12 provision that provides a manner by which to resolve a conflict
13 between provisions of law, the provisions of this chapter prevail
14 to the extent of any conflict with another provision of law.

15 Sec. 620.003. EFFECT OF CHAPTER. (a) This chapter does not
16 affect:

17 (1) the right of a public officer to obtain
18 information under other law;

19 (2) the procedures under which the information is
20 obtained under other law; or

21 (3) the use that may be made of the information
22 obtained under other law.

23 (b) This chapter does not grant authority to withhold
24 information from a public officer.

25 SUBCHAPTER B. RIGHT TO INFORMATION

26 Sec. 620.051. RIGHT TO INFORMATION FROM GOVERNMENTAL
27 ENTITY. (a) A public officer has a right of access to information

1 of the governmental entity to which the officer is elected or
2 appointed.

3 (b) A public officer is not required to obtain approval from
4 the governing body of the governmental entity to which the officer
5 is elected or appointed to request or obtain information to which
6 the officer has a right under this section. The governing body or
7 governmental entity may not adopt or enforce any measure that would
8 prohibit or otherwise limit the ability of the officer to request or
9 obtain information under this chapter.

10 Sec. 620.052. PROVISION OF INFORMATION. (a) Following a
11 request for information authorized by this subchapter, the
12 governmental entity that received the request shall provide the
13 requested information, including confidential information or
14 information otherwise excepted from disclosure, to the requestor.

15 (b) The requestor is not required to specify the purpose for
16 which the information is requested.

17 (c) A governmental entity must provide requested
18 information to a requestor promptly, but not later than the 10th
19 business day, or as soon as practicable as agreed to by the
20 governmental entity and the requestor, following the date the
21 request is received.

22 (d) A governmental entity must provide requested
23 information in the manner and format requested by the requestor,
24 including:

25 (1) by allowing the requestor unrestricted access to
26 any physical information of the governmental entity; and

27 (2) by allowing the requestor to make copies or other

1 reproductions of the information.

2 (e) A governmental entity must provide information under
3 this section without charge to the requestor.

4 (f) In providing information under this section, the
5 governmental entity must provide only the specific information
6 requested by the requestor and shall ensure that the information
7 provided does not include extraneous or unrequested information.
8 The governmental entity may request assistance from the requestor
9 in determining what information is specific to the request.

10 (g) A governmental entity may not require a requestor to
11 sign a confidentiality agreement in order to receive information
12 requested under this subchapter.

13 (h) A public officer who receives confidential information
14 under this subchapter must use the information only in a manner that
15 maintains the confidential nature of the information and may not
16 disclose or release the information to the public.

17 Sec. 620.053. CONFIDENTIALITY NOT WAIVED. A governmental
18 entity, by providing information under this subchapter that is
19 confidential or otherwise excepted from disclosure under law, does
20 not waive or affect the confidentiality of the information for
21 purposes of state or federal law or waive the right of the
22 governmental entity to assert exceptions to disclosure of the
23 information in the future.

24 SUBCHAPTER C. ENFORCEMENT

25 Sec. 620.101. FAILURE OR REFUSAL TO PROVIDE INFORMATION.

26 (a) A person who is an officer for public information under Chapter
27 552 for a governmental entity, or the officer's agent, commits an

1 offense if, with criminal negligence, the officer or the officer's
2 agent fails or refuses to provide information to a public officer as
3 provided by this chapter.

4 (b) An offense under this section is a Class A misdemeanor.

5 SECTION 2. This Act takes effect immediately if it receives
6 a vote of two-thirds of all the members elected to each house, as
7 provided by Section 39, Article III, Texas Constitution. If this
8 Act does not receive the vote necessary for immediate effect, this
9 Act takes effect September 1, 2019.