

By: Moody

H.B. No. 2386

A BILL TO BE ENTITLED

AN ACT

relating to the confidentiality of certain information regarding procedures and substances used in the execution of a convict.

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

SECTION 1. Section 552.1081, Government Code, is amended to read as follows:

Sec. 552.1081. EXCEPTION: CONFIDENTIALITY OF CERTAIN INFORMATION REGARDING EXECUTION OF CONVICT. (a) Information is excepted from the requirements of Section 552.021 if it contains identifying information under Article 43.14, Code of Criminal Procedure, including that of

~~(1)] any person who participates in an execution procedure, including a person who uses~~~~[, supplies,~~ or administers a substance during the execution. ~~[, and~~

~~(2) any person or]~~

(b) This section does not except from the requirements of Section 552.021 information identifying any entity that manufactures, transports, tests, procures, compounds, prescribes, dispenses, or provides a substance or supplies used in an execution.

SECTION 2. Article 43.14, Code of Criminal Procedure, is amended to read as follows:

Art. 43.14. EXECUTION OF CONVICT: CONFIDENTIAL INFORMATION. (a) Whenever the sentence of death is pronounced

1 against a convict, the sentence shall be executed at any time after  
2 the hour of 6 p.m. on the day set for the execution, by intravenous  
3 injection of a substance or substances in a lethal quantity  
4 sufficient to cause death and until such convict is dead, such  
5 execution procedure to be determined and supervised by the director  
6 of the correctional institutions division of the Texas Department  
7 of Criminal Justice.

8 (b) The name, address, and other identifying information of  
9 any person who participates in an execution procedure described by  
10 Subsection (a), including a person who uses or administers a  
11 substance during the execution, [the following] is confidential and  
12 excepted from disclosure under Section 552.021, Government Code. [+

13 ~~(1) any person who participates in an execution~~  
14 ~~procedure described by Subsection (a), including a person who uses,~~  
15 ~~supplies, or administers a substance during the execution; and~~

16 ~~(2) any person or]~~

17 (c) The name, address, and other identifying information of  
18 any entity that manufactures, transports, tests, procures,  
19 compounds, prescribes, dispenses, or provides a substance or  
20 supplies used in an execution is not confidential and not excepted  
21 from disclosure under Section 552.021, Government Code.

22 SECTION 3. The change in law made by this Act applies to  
23 information, records, and notations collected, made, assembled, or  
24 maintained on, before, or after the effective date of this Act.

25 SECTION 4. This Act takes effect September 1, 2021.