

## **BILL ANALYSIS**

Senate Research Center  
88R31583 MCK-F

C.S.H.B. 30  
By: Moody et al. (King)  
Business & Commerce  
5/19/2023  
Committee Report (Substituted)

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Information held by law enforcement or a prosecutor that deals with the detection, investigation, or prosecution of a crime is protected from public disclosure under the Public Information Act if it does not result in a conviction or deferred adjudication. This measure was intended to protect the innocent suspect who is investigated for a crime but never convicted or is acquitted at trial. However, this protection has been used in cases where the suspect dies before an investigation or prosecution effort can be completed.

H.B. 30 closes this "dead suspect" loophole by providing an exception to the exception if the subject of the information is deceased or incapacitated and each other person mentioned in the information consents to its release.

(Original Author's/Sponsor's Statement of Intent)

C.S.H.B. 30 amends current law relating to access to certain law enforcement, corrections, and prosecutorial records under the public information law.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 552.108, Government Code, by adding Subsection (d), as follows:

(d) Provides that the exception to disclosure provided by Subsection (a)(2) (relating to providing that information held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime is excepted from the requirements of Section 552.021 (Availability of Public Information)) does not apply to information, records, or notations, if:

- (1) a person who is described by or depicted in the information, record, or notation, other than a peace officer, is deceased or incapacitated; and
- (2) each person who is described by or depicted in the information, record, or notation, other than a person who is deceased or incapacitated, consents to the release of the information, record, or notation.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2023.