By:  Moody H.B. No. 3167

A BILL TO BE ENTITLED

AN ACT

relating to the production of public information under the public information law.

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

SECTION 1.  Subchapter F, Chapter 552, Government Code, is amended by adding Section 552.276 to read as follows:

Sec. 552.276.  VEXATIOUS REQUESTORS. (a) “Vexatious requestor” means a requestor, or the requestor’s agent, servant, employee, or contractor, who submits repeated requests that the governmental body has reason to believe are intended to unreasonably burden or disrupt the official business of the governmental body.

(b)  A governmental body may request an opinion from the attorney general for relief from a requestor that the governmental body alleges is a vexatious requestor. The opinion request shall detail the conduct which the governmental body alleges demonstrates a vexatious history of requests, including, but not limited to:

(1)  the total number of requests filed or pending with the governmental body;

(2)  the total number of complaints against the governmental body filed with the attorney general by the requestor;

(3)  the scope of the requests;

(4)  the nature, content, language, or subject matter of the requests;

(5)  the nature, content, language, or subject matter of other oral and written communications to the governmental body from the requestor, including requests for monetary relief or litigation settlement; or

(6)  a pattern of conduct that amounts to an abuse of the right to access information under the Public Information Act or interferes with the official business of the governmental body.

(c)  Upon receipt of the opinion request, the attorney general shall promptly issue a written opinion, determining whether the requestor is a vexatious requestor and what relief, if any, should be given to the governmental body. The attorney general shall render a decision not later than the 45th business day after the date the attorney general received the request for an opinion.

(d)  The attorney general may provide appropriate relief commensurate with the vexatious conduct, including, but not limited to, a decision that the governmental body is not required to comply with future requests from the vexatious requestor for a specified period of time, not to exceed one (1) year.

(e)  The requestor or the governmental body may appeal a decision of the attorney general under this subsection to a district court for the county in which the main offices of the governmental body are located.

(f)  If the attorney general determines a requestor is not a vexatious requestor and the governmental body does not appeal that decision, for the purposes of Section 552.301 of this chapter the request will be considered received upon the date the governmental body receives the attorney general’s decision.

(g)  If a requestor has been determined by the attorney general to be a vexatious requestor in accordance with the provisions above, and the governmental body has reason to believe that the vexatious requestor is continuing to submit requests anonymously or under a pseudonym, the governmental body is authorized to request photo identification from the requestor before the governmental body complies with the request. If the identification shows the individual was not previously determined to be a vexatious requestor, the governmental body must treat the requestor the same as all other requestors. For the purposes of Section 552.301 of this chapter, the request will be considered received upon the date the governmental body receives the individual’s photo identification. If the identification shows the requestor was previously determined to be a vexatious requestor, the relief provided to the governmental body by the attorney general with respect to the vexatious requestor shall also apply to the requests submitted anonymously or under a pseudonym. If the requestor fails to provide photo identification or request relief in accordance with subsection (h) from the attorney general within ten (10) business days of the governmental body’s request for identification, the request is considered withdrawn.

(h)  If the governmental body requests photo identification because the governmental body has reason to believe the requestor is a previously determined vexatious requestor, the requestor may submit the governmental body’s request for photo identification to the attorney general within ten (10) business days of receiving the photo identification request and request relief from the attorney general by offering proof to the attorney general that they are not a previously determined vexatious requestor. The attorney general, but not the governmental body, may then request additional proof from the requestor to establish the identity of anonymous requestors. Within forty-five (45) business days of receiving the notice from the requestor, the attorney general shall issue a determination to the governmental body and the requestor of whether the requestor is a previously determined vexatious requestor. If the attorney general establishes by a preponderance of the evidence that the requestor is not a previously determined vexatious requestor, the governmental body must treat the requestor the same as all other requestors. For the purposes of Section 552.301 of this chapter, the request will be considered received upon the date the governmental body receives the attorney general’s determination.

SECTION 2.  Subchapter F, Chapter 552, Government Code, is amended by adding subsection (e) to Section 552.271 to read as follows:

(e)  A requestor who has exceeded the time limit established by a governmental body under Section 552.275 of this chapter may not inspect records on someone else’s behalf. If the requestor intends to remain anonymous, the requestor must pay the governmental body the attorney general approved costs of obtaining copies.

SECTION 3.  Subchapter F, Chapter 552, Government Code, is amended by adding subsection (f) to Section 552.272 to read as follows:

(f)  A requestor who has exceeded the time limit established by a governmental body under Section 552.275 of this chapter may not inspect records on someone else’s behalf. If the requestor intends to remain anonymous, the requestor must pay the governmental body the attorney general approved costs of obtaining copies.

SECTION 4.  The changes in law made by this Act apply only to a request for information that is received by a governmental body or an officer for public information on or after the effective date of this Act. A request for information that was received before the effective date of this Act is governed by the law in effect on the date the request was received, and the former law is continued in effect for that purpose.

SECTION 5.  This Act takes effect September 1, 2023.